

UNITED STATES DISTRICT COURT  
FOR DISTRICT OF MASSACHUSETTS

IN RE PETITION OF THE UNITED STATES  
OF AMERICA TO PERPETUATE  
TESTIMONY PURSUANT TO RULE 27

Volume II

CONTINUATION OF THE DEPOSITION OF ALBERT DUMONT

Wednesday, February 1, 2006

9:00 a.m.

Attleboro Water Department

1296 West Street

Attleboro, Massachusetts

----- Ellen Zappia, RPR -----

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## I N D E X

WITNESS: ALBERT DUMONT

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1 (Proceedings commenced at 9:05 a.m.)

2 ALBERT DUMONT,

3 having been previously sworn under oath, was

4 questioned and testified as follows:

5 MS. O'BRIEN: I guess before we start,

6 I just wanted to put back on the record the

7 stipulations that we touched on briefly yesterday

8 regarding objections. Make sure all counsel are

9 in agreement that all objections except as to the

10 form of the question will be reserved until the

11 time of trial. Motions to strike would also be

12 reserved. We didn't cover yesterday, but I want

13 to put on the record the -- as provided by the

14 rules, the witness will have an opportunity to

15 read and sign the transcript. I'd like to waive

16 the notary requirement, if that's acceptable to

17 everyone. Just seeing a lot of nods, so I assume

18 there are no objections to those stipulations?



19 MR. SINGER: And also an objection  
20 made by any party is reserved for the benefit of  
21 everyone.  
22 MS. O'BRIEN: Thank you. I guess  
23 we're ready to begin. I understand Mr. Last is  
24 beginning this morning.

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1 EXAMINATION BY MR. LAST:  
2 Q. Good morning, Mr. Dumont.  
3 A. Good morning.  
4 Q. As I mentioned, my name is Michael last  
5 and I'm representing a group of parties that have  
6 been designated by EPA as potentially responsible,  
7 the Shpack Superfund site, and what I'd like to do  
8 this morning is go over a few of the items that  
9 you answered questions about yesterday and just  
10 get a little bit of clarification, if that's all  
11 right.  
12 First, starting off, I think we missed  
13 a few of these items and just for the record, if I  
14 could get your name? I don't think we started

15 with that.

16 A. Albert Dumont.

17 Q. And your address.

18 A. One Rathbun Willard Drive in Attleboro.

19 Q. And your date of birth.

20 A. 11/27/31.

21 Q. And the period of time you've lived in

22 Attleboro, City of Attleboro?

23 A. 71 years.

24 Q. And I'd like to now at this point go back

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1 to some of the questions relating to the history  
2 of the landfill. And for purposes of just clarity  
3 as we talk about it, I'll refer to the Attleboro  
4 Landfill portion of the Shpack site as the burning  
5 dump, if that's all right?

6 A. Yeah.

7 Q. And I'll refer to the Shpack portion as  
8 the Shpack dump.

9 A. All right.

10 Q. Just so we have our references.

11 And yesterday you had mentioned that  
12 your father owned a farm --

13 A. Yes.

14 Q. -- adjacent to it, and I wonder if looking  
15 at Exhibit 1, which you have in front of you,  
16 whether you could just show me in relationship to  
17 the burning dump where the farm was.

18 A. On both sides of the street.

19 Q. And that's -- you're pointing to the east  
20 of where the burning dump was?

21 A. East is where the burning dump was.

22 You're going more northwest.

23 Q. I'm sorry, going west. That's right. So  
24 you're going west --

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10

1 A. Northwest.

2 Q. Along Peckham Street?

3 A. Along Peckham Street.

4 Q. Right. And do you know approximately when  
5 your father purchased that land?

6           A. Well, my grandfather owned it. And then  
7 my father paid off the bank in 1927, I believe.

8           Q. So it was owned by your family for many  
9 years.

10          A. Yes.

11          Q. And going back to your father's period of  
12 ownership. I just wanted to get clarification,  
13 your father's name was?

14          A. Louis.

15          Q. And I believe in your administrative  
16 deposition you also referred to him as Billy, is  
17 that correct? Was that his --

18          A. As what?

19          Q. Billy? Or maybe that was just a  
20 typographical error.

21          A. He was always Louie.

22          Q. Louie? I think it might have been a typo  
23 then.

24                   And your uncle's name was?

1 A. The one that ran the dump?

2 Q. Yes.

3 A. That was Raymond.

4 Q. Raymond. Okay. And looking back to that  
5 period pre-1946, was there any disposal on any of  
6 the land, including the burning dump at that time,  
7 any waste disposal?

8 A. Well, say disposal. For -- for a few  
9 years before the dump started St. Regis Paper,  
10 they were dumping their Sisalkraft out in the  
11 range where the chickens were because they had  
12 closed down their incinerator, and they didn't  
13 want to dump it up at the Finberg Park dump.  
14 That's where the dump used to be. So that it went  
15 on for quite a few months that they burnt material  
16 out there on the property.

17 Q. And was that on the property that we've  
18 designated the burning dump or was it further to  
19 the west of that?

20 A. No. This was all high land. It was dirt,  
21 you know. It was an area that wouldn't catch  
22 anything on fire or anything. They just  
23 designated one spot.

24 Q. So that was not part of the burning dump



12

1 at that time?

2 A. There was no dump around then.

3 Q. So --

4 A. This was a few years before the dump  
5 started.

6 Q. And do you recall what time frame that  
7 was? When it would start -- when that started and  
8 when it ended?

9 A. It went on for quite a few months. I  
10 can't remember.

11 Q. But it was before 1946.

12 A. Yes.

13 Q. And going again back to what you talked  
14 about yesterday. You said that the first waste  
15 was disposed of in what we've called the burning  
16 dump area --

17 A. Right.

18 Q. -- in 1946?

19 A. Right.

20 Q. So there was no waste disposal in that

21 area before 1946.

22 A. No.

23 Q. Yesterday you also mentioned, I believe,  
24 that your -- or it was in administrative

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1 deposition possibly, your uncle was in partnership  
2 for a time, Ray, with Mr. Shpack?

3 A. They worked together.

4 Q. And what was that time frame they worked  
5 together?

6 A. It was a time when I was gone. Well, it  
7 had to be in the '50s.

8 Q. Would it be the early '50s?

9 A. No. Wait a minute. They broke up -- they  
10 broke up in '51, I believe. The Shpack dump  
11 started, right?

12 Q. Uh-huh. That's what you testified.

13 A. It had to be before then.

14 Q. So it was before 1950.

15 A. Yeah.

16 Q. Their partnership ended when the Shpack

17 dump started and Mr. Shpack started his dump?

18 A. He left and opened up his own dump.

19 Q. And can you describe to me the area that

20 they operated when they were partners? Was that

21 on the burning dump? Were they operating that

22 together?

23 A. Yes.

24 Q. They were.

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14

1 A. Yeah.

2 Q. And during that period you also said that

3 your father really didn't operate it most of the

4 time?

5 A. No. My father was running the farm.

6 Q. So again clarifying, it was your uncle and

7 Mr. Shpack, before 1950, who operated the burning

8 dump.

9 A. Right.

10 Q. And in 1950 approximately Mr. Shpack

11 started his landfill?



12 A. His own, right. A dump. Not a landfill.

13 Q. Dump. You're right.

14 Now, turning to the Exhibit 2, which  
15 is your response to EPA's questions. Your written  
16 response to EPA's questions here.

17 A. Yeah.

18 Q. You had stated that you acquired the dump,  
19 I think you and your wife Rita acquired the dump  
20 on October 27, 1955.

21 A. Somewhere in that neighborhood, yes.

22 Q. And that was about the time that you  
23 started actually operating it again --

24 A. No.

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1 Q. -- 1955?

2 A. No. I was working at a dairy in  
3 Pawtucket.

4 Q. So you started your operations at the  
5 burning dump in?

6 A. '56.

7 Q. '56.

8 A. No. My aunt was running the dump. My  
9 aunt, she was a nun. She was running the dump  
10 after my father died in '54.

11 Q. And could you just give us your aunt's  
12 name for the record. I don't think we asked that  
13 yesterday.

14 A. Bertha Dumont.

15 Q. Thank you.

16 Now, turning to -- picking up in 1946,  
17 and looking after that period, you had answered in  
18 Exhibit 2 a number of questions that EPA had asked  
19 you about it and I just wanted to look at a few of  
20 those answers and go over them with you.

21 A. Okay.

22 Q. So let me refer you to your answers to  
23 questions 2 (h) and 5 (f), and they're on page  
24 three and I've actually opened it right there in

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1 front of you. I wanted to review those together  
2 if we could.

3                   Now, in your answers to questions 2  
4   (h) and 5 (f), you stated that every factory in  
5   Norton and Attleboro disposed of rubbish and  
6   chemicals at the open burning dump from 1946 to  
7   1965.

8           A. Yes.

9           Q. And that those wastes that you were  
10   referring to included lacquers, thinners,  
11   decreasing solvents and heavy metals.

12          A. Well, you see, back in those days, you  
13   know, people -- they were allowed to dump  
14   chemicals in their rubbish as long as they  
15   absorbed, you know.

16          Q. Right.

17          A. I don't remember what years it was, but  
18   that's the way the law was for a certain length of  
19   time. As long as the rubbish absorbed the liquid  
20   it was all legal.

21          Q. So even if there were no free liquids,  
22   such as in drums, that liquid was absorbed in the  
23   rubbish which was disposed of.

24          A. Right.



17

1 Q. And that rubbish was disposed of during  
2 the time period that you're referring to in your  
3 answer, which is 1946 to '65 --

4 A. Right.

5 Q. -- at the burning dump.

6 A. Right.

7 Q. Was similar type of material to your  
8 knowledge also disposed of at the Shpack landfill?

9 A. I can't say yes or no, but that was the  
10 way of life.

11 Q. So that was the typical practice to your  
12 knowledge of the industries as to how they managed  
13 their waste at that time?

14 MS. O'BRIEN: Objection --

15 A. Right.

16 MS. O'BRIEN: -- to the form.

17 Q. The next answer I'd like to refer you to  
18 is the answer to question 5 (j), which is on page  
19 four of Exhibit 2.

20 And there in response to EPA's  
21 question you had stated that certain loads of

22 wastes, including drums of waste, were dumped  
23 correctly onto the so-called ALI parcel on the  
24 site. My first question is, is the ALI parcel

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1 that you're referring to also what we're calling  
2 the burning dump?

3 A. Right.

4 Q. And here you mention drums of waste. Can  
5 you describe, I know you did some of this  
6 yesterday, but briefly typically what was in the  
7 drums.

8 A. That was a way of life, your rubbish came  
9 in in either cardboard drums or steel drums and  
10 people just emptied them out and went back to  
11 their factories.

12 Q. And the rubbish to which you're referring,  
13 was that this mixed waste?

14 A. Could be almost everything. Right.

15 Q. And --

16 A. Paper or dirt, sweepings, metals.

17 Q. And that could have, as you said,

18 chemicals or oils? Did you mention oils? I don't  
19 want to put words in your mouth.

20 A. There were barrels of oil that came in  
21 from different garages.

22 Q. And that would all be mixed together. It  
23 wasn't separated out.

24 MS. O'BRIEN: Objection.

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1 Q. Can you -- was the waste all segregated  
2 when it came in barrels?

3 A. When it came -- when garages dumped  
4 barrels, it was just oil.

5 Q. Just oil.

6 A. I imagine. You know, what else was in the  
7 barrels, it's speculation, right?

8 Q. Moving to your question 5 (1) and that's  
9 also on page four. You refer to -- do you see  
10 that there, 5 (1)? You mention --

11 A. Oh, it's a one. Yeah.

12 Q. -- that industrial waste was generally

13 brought to the so-called ALI parcel, again we're  
14 calling it the burning dump, in 55-gallon drums  
15 loaded onto trucks and then you refer to Attleboro  
16 Refining bringing waste in a tanker truck.

17 A. Yes.

18 Q. Containing approximately 100 gallons.

19 A. I don't know if it was 500 or if it was  
20 800. I don't know. It was a round tank anyway.

21 Q. But your recollection on that is still  
22 accurate, you believe that to be a true statement?

23 A. Right.

24 Q. And then moving down to question 5 (o),

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1 small o, I think. This is also on page four of  
2 Exhibit 2. You refer to Attleboro Refining and  
3 Handy & Harman that you spoke about yesterday and  
4 here you mention that they brought heavy metals to  
5 the site?

6 A. Well, that's what they told me. The  
7 sludge that come in, they said it was liquids --  
8 the drivers told me that it was heavy metals

9 but...

10 Q. That's what they said?

11 A. That's what they told me.

12 Q. You mentioned here in this particular  
13 answer Regional Construction. Was that one of the  
14 transporters of that waste?

15 A. No. They hauled in later years' sludge.

16 Q. So this -- the Regional Construction  
17 brought the sludge?

18 A. This was -- came out of filters.

19 Q. And what time period was that again,  
20 roughly?

21 A. When they gave up the tank truck.

22 Q. So if I have that sequence correctly, and  
23 I know that you did speak about this yesterday,  
24 for a time they brought the waste in tank trucks

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1 that was liquid?

2 A. That was liquid.

3 Q. And then can you describe just briefly



4 again what happened after that when they stopped  
5 using the tank truck?

6 A. Well, then they went for a few years  
7 without bringing in anything and then would clean  
8 up their filter beds and bring it in these -- it's  
9 mud.

10 Q. What you referred to also as the sludge?

11 A. Right.

12 Q. And that was from these beds.

13 A. Yes.

14 Q. Do you recall generally, obviously not to  
15 the day, but generally when they stopped bringing  
16 the tank trucks in?

17 A. I can't be specific on that.

18 Q. And finally you indicate in question 10  
19 (b), again Exhibit 2, that there were no documents  
20 concerning the nature of value of waste brought to  
21 the Attleboro Landfill from '46 to '73.

22 A. To '73, yes. Until the city started  
23 charging for disposal. Yeah.

24 Q. So there were no gate slips of any sort or

1 nothing was weighed?

2 A. Oh, no. It was free.

3 Q. And you collected no records? You kept no  
4 handwritten notes as to --

5 A. No.

6 Q. -- waste disposed?

7 Now if I can, I'd like to turn to,  
8 talking a little bit more about the materials that  
9 you were able to salvage.

10 A. Yes.

11 Q. About which you spoke yesterday.

12 A. Yeah.

13 Q. Could you just for me describe again the  
14 materials you were able to salvage from the dump?

15 A. Yeah. Okay. You got feather mattresses,  
16 you got regular mattresses. Rags, shoes. Used to  
17 get a nickel a pair for a pair of shoes if you  
18 found the second one. Newspapers. All the  
19 cardboard that used to come in. If I got it  
20 before the fire started. Then after everything  
21 was burnt, I got copper, brass, aluminum, light  
22 iron, heavy steel. That's about it, I guess.

23 Q. And turning just to a couple of those

24 waste streams that you referred to. On the rags,

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1 were those rags oily rags? Did they have oils in  
2 them or can you describe them?

3 A. No. Anything that was dirty I couldn't  
4 salvage. I had to have just clean rags.

5 Q. So they were clean rags that you were able  
6 to salvage?

7 A. Right.

8 Q. Were oily rags disposed of by industries  
9 in those days?

10 A. Oh, yeah. There's a certain amount of  
11 oily rags. Yeah.

12 Q. And focusing for a moment on the metals.

13 A. Yes.

14 Q. Can you tell me who were your, if you  
15 could recall, who were the best suppliers of  
16 metals in terms of who brought the most metals you  
17 were able to salvage?

18 A. Well, it's mostly from residents because

19 the good industries, Mr. Shpack took them when he  
20 left the Attleboro dump.

21 Q. So most of what you were able to salvage  
22 was from residential waste?

23 A. Small businesses or...

24 Q. Were there any small businesses that you

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1 recall as being particularly good in terms of the  
2 metal waste?

3 A. Well, mostly your garages, you had light  
4 iron, heavy iron. You had batteries. You had  
5 radiators. Automobile radiators.

6 Q. And you referred to paper products.  
7 Yesterday you talked to certain paper products, I  
8 think particularly relating to Sisalkraft and  
9 St. Regis Paper as being coated?

10 A. Yes.

11 Q. And I believe you mentioned with  
12 plastic --

13 A. Yes.

14 Q. -- or asphalt?

15 A. Right.

16 Q. Were those materials you could salvage or  
17 did you have to burn those?

18 A. No. That was all burnt.

19 Q. Do you recall any others who brought  
20 papers that you couldn't salvage typically in  
21 their wastes?

22 A. No.

23 Q. Now, turning to your more general  
24 knowledge of Attleboro industry and their waste

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1 streams. Given your role in operating the burning  
2 dump, did you have or obtain general knowledge  
3 about what the waste streams were like from  
4 Attleboro industries, different types of Attleboro  
5 industries?

6 MR. AGNELLO: Objection as to form.

7 A. Such as?

8 Q. Well, let me start, for example, like  
9 you'd mentioned gas stations or tire stores?

10 A. Right.

11 Q. In your response, Exhibit 2, to EPA's  
12 questions you listed as one of the parties who  
13 disposed of waste at the burning dump is  
14 Firestone? Do you recall that?

15 A. Oh, there was a lot of them. Yes. Yes.  
16 A lot of them.

17 Q. Did Firestone to your knowledge operate a  
18 store or stores in Attleboro?

19 A. Yes.

20 Q. And did those stores or stores dispose of  
21 waste at the burning dump?

22 A. Yes.

23 Q. And what was the type of waste that they  
24 generated, those stores?

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1 A. Well, you had tires. A lot of tires. You  
2 had -- I don't remember them dumping any oil, but  
3 there could've been because see they had two  
4 different sites. In fact, my first bicycle was  
5 from their original store. I was eight years old

6 and during the war we used to bring all the tubes  
7 and tires to there because you got some pennies,  
8 they used to salvage that during the war, but then  
9 later on then everything went to the dump after.  
10 You remember the days when the end of every street  
11 you had a pile of steel there and the government  
12 would come along and pick it up. You was helping  
13 out in the war times. Right?

14 Q. Right. That was a little before my time.

15 A. Oh, I'm sorry.

16 Q. Just a tad. Thanks for including me,  
17 though.

18 So turning to Firestone. They  
19 disposed to your knowledge of tires, maybe oil.  
20 Were they a source of batteries as well?

21 A. Yes. Yes.

22 Q. Were there any other tire companies that  
23 ran stores in Attleboro or in the surrounding  
24 towns that disposed of at the burning dump?

1           A. Well, every garage in town disposed of  
2   tires and everything that they handled.

3           Q. That would include oils?

4           A. Yeah. Same thing as you're doing today,  
5   you know, only in a different manner.

6           Q. Did Goodyear or any of the other major  
7   tire manufacturers run their own stores in town  
8   that you recall?

9           A. No. No. All garages would buy Goodyear,  
10   Firestone, Mohawk. Some of the old names years  
11   back.

12          Q. But Firestone ran its own stores --

13          A. Firestone ran.

14          Q. -- to your knowledge?

15          A. They had two different stores, yes.

16          Q. Now, turning to the jewelry making  
17   companies that we spoke about yesterday. Can you  
18   describe what the waste streams that they disposed  
19   of at the burning dump would include? I'm not  
20   talking about anyone specific. I'm talking more  
21   generally now.

22          A. Well, most of your products was papers and  
23   timecards, filings.

24          Q. Metal filings?





1           A. No, no. Filings out of -- out of your  
2 files. Paper. I would salvage much as I could  
3 unless a fire started, then I would stop that and  
4 go to picking up metals.

5           Q. Would the jewelry companies dispose of  
6 metals or metal dust?

7           A. Well, the larger amounts -- they salvaged  
8 all their metals, but a little bit would be in the  
9 sweeping.

10          Q. So in the rubbish there might be  
11 sweepings?

12          A. Yeah. You'd pick up some of the metals.

13          Q. And when you say "sweepings," are you  
14 speaking about things like from the floor?

15          A. Yes.

16          Q. So either be miscellaneous small pieces of  
17 metal, cuttings?

18          A. Right. Yeah.

19          Q. And you also mentioned that there were  
20 absorbents, like sawdust?

21 A. Yes.

22 Q. Would those come from jewelry companies as  
23 well?

24 A. Well, there could be in maybe almost all

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1 the industry, but Automatic Machine used to come  
2 in with sawdust they had absorbed from the floors  
3 and stuff. Yes.

4 Q. And I believe you mentioned in response to  
5 a question that those absorbents would often,  
6 because they were used for this purpose, have oils  
7 in them?

8 A. Yes.

9 Q. Do you remember decreasing solvents from  
10 the jewelry-related industries?

11 A. Yes. I used to take some out of a barrel,  
12 take it home to clean my paint brushes and stuff.  
13 Yeah. I remember seeing it coming in.

14 Q. And would the jewelry industries, again  
15 I'm talking about that sort of general category

16 just for the moment, would they dispose of sludges  
17 as well?

18 A. Not really. No.

19 Q. Although you mentioned Handy & Harman,  
20 but --

21 A. Well, yeah. That's -- that was -- yeah.  
22 That was the way that it was handled. Right.

23 Q. Another category I believe you spoke about  
24 yesterday, and I think Automatic Machine might

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1 have been an example of that, were machines shops?

2 A. Automatic screw machines, yes.

3 Q. Were there a number of machine shops  
4 during the time that you operated the burning dump  
5 in Attleboro? Operating in Attleboro?

6 A. Oh, yeah.

7 Q. And would they dispose of waste at the  
8 burning dump?

9 A. Yeah.

10 Q. And turning to their waste streams, what  
11 might be in those, would they also have metals,

12 trimmings or cuttings?

13 A. Yes.

14 Q. Would they -- their waste streams also  
15 include absorbents?

16 A. Yeah. There could be rags and different  
17 stuff. Yeah.

18 Q. And would those absorbents have oils in  
19 them also?

20 A. Well, there was a certain amount that I  
21 couldn't salvage, yeah.

22 Q. And you couldn't salvage, you said, I  
23 believe, rags which were too oily?

24 A. Right.

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1 Q. So those would have to be burnt.

2 A. Burnt. Right.

3 Q. Would the machine shops also have  
4 decreasing solvents, to your knowledge?

5 A. They could.

6 Q. Do you recall any in particular?

7           A. Well, you know, I'd come in the morning  
8     and sometimes you had a couple of barrels. Could  
9     be half a dozen barrels.

10          Q. And would those barrels typically have  
11     names on them or would they be --

12          A. Never paid any attention. Lacquer  
13     thinner. I used to have fun with that.

14          Q. It was useful for lighting up the dump  
15     or...

16          A. No. I used it to have fun. I exploded  
17     it.

18          Q. Was that typically in metal barrels?

19          A. Yes.

20          Q. And then the last category I'm interested  
21     in talking about again, somewhat generally, are  
22     those that coated material with plastics, for  
23     example. And also produced plastic materials.  
24     And I recall yesterday you mentioned two that I

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1     saw in that category one was Sisalkraft?

2           A. Yes.

3 Q. St. Regis?

4 A. Right.

5 Q. For coated fabrics?

6 A. Right.

7 Q. And another was Plastic Craft you  
8 mentioned, I think, for plates. Plastic plates?

9 A. MalMac (phonetic), yeah.

10 Q. Were there others that fit in that sort of  
11 general category, other companies that would  
12 dispose of waste at the burning dump?

13 A. Well, you see -- after the Second World  
14 War everything was gradually turned into plastic  
15 so that that's how you got all the good smoke, you  
16 know.

17 Q. When it burnt.

18 A. When it burnt, right. That was the way of  
19 life.

20 Q. And so these companies in this category,  
21 their rubbish would include materials that had  
22 plastics.

23 A. Residential rubbish, industrial rubbish.  
24 Everybody had plastics.



1           Q. So to your recollection, best recollection  
2    did most companies that disposed of rubbish have  
3    plastic in their waste stream?

4           MS. O'BRIEN: Objection.

5           A. Kind of speculation.

6           Q. All right.

7           Turning to the discussion yesterday  
8    about packer trucks.

9           A. Yes.

10          Q. You mentioned that I believe at least one  
11    company used a packer and that was Balfour, L.G.  
12    Balfour?

13          A. Balfour. L.W. Fontaine and after certain  
14    years Goditt & Boyer came along.

15          Q. Do you recall anyone else who was using  
16    packer trucks during the period of the operation  
17    of the burning dump?

18          A. There was one outfit from Rehoboth, but I  
19    don't remember the name.

20          Q. Could you describe the way waste was  
21    managed in these trucks. How they worked

22 basically.

23 A. Packed in. Just keep packing.

24 Q. And the waste that was in the packer

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1 trucks wasn't segregated? It wasn't separated  
2 out?

3 A. No.

4 Q. Did Balfour dispose of waste from the  
5 packer trucks at the burning dump?

6 A. Yes.

7 Q. They did. What time period roughly  
8 speaking was that?

9 A. I don't know. Seemed to me somewhere  
10 around '61 or so.

11 Q. Starting in 1961?

12 A. Well, I won't -- can't specify that, but  
13 I'd say somewhere in that neighborhood.

14 Q. And then --

15 A. '61 to '65. Somewhere in that  
16 neighborhood.

17 Q. And was that use of the packer truck and



18 the -- by Balfour and the disposal at the burning  
19 dump over a period of at least several years to  
20 your recollection?

21 A. Well, we're only talking until '65.

22 MR. SINGER: I'm sorry, I didn't hear  
23 that.

24 Q. Over a period of several years?

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1 A. Well, no, it wouldn't be several years. A  
2 few years maybe.

3 Q. So it was a few years?

4 A. Yeah.

5 Q. Were there any other large companies that  
6 were not waste disposal companies like Fontaine  
7 and Goditt & Boyer, but more like individual  
8 companies like Balfour that used packer trucks?

9 A. No.

10 Q. What I'd like to do now is turn to the --  
11 actually, I have one more question with respect to  
12 waste disposers. Yesterday you mentioned that the

13 Town of Norton would pick up -- have their trucks  
14 pick up road waste?

15 A. Odds and ends.

16 Q. All along the roads?

17 A. Right.

18 Q. And if those trucks were closer to the  
19 burning dump than they were to the Town of Norton  
20 dump, they would dispose of it at the burning  
21 dump.

22 A. Right.

23 Q. I believe also you mentioned that some of  
24 the waste included filters? I think you said

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1 filters?

2 A. Well, sofas. Sofas and bags of household  
3 rubbish.

4 Q. Could there be also auto parts left  
5 alongside of the road?

6 A. There could be odds and ends like that,  
7 yeah.

8 Q. Do you recall any of that in particular?

9           A. Well, I remember seeing the truck come in  
10       but, you know, whatever they dumped after it was  
11       burned I'd salvage so...

12           Q. Do you recall that being a source of  
13       metals or anything particularly useful?

14           A. Well, yeah. Everything had worth,  
15       pennies, right? After it's burned you salvage  
16       whatever they dumped.

17           Q. Do you recall them being a source, I'm  
18       talking about now of Town of Norton waste, being a  
19       source of you mentioned filters, like oil filters  
20       from cars or anything like that?

21           A. Well, no.

22           Q. No?

23           A. No.

24           Q. Now turning to your landfill operations

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1       themselves.

2           A. Dump operation.

3           Q. Dump. Yesterday I believe you said that

4 there had been no surveys done on the boundary  
5 between the burning dump and the Shpack dump. Is  
6 that correct?

7 A. There was none until -- I don't remember  
8 what year it was because there was a big stink  
9 because the city bulldozer would go into Norton  
10 and push the residue after it was burnt.

11 Q. Was that after the 1960 time frame?

12 A. I can't remember when it was done.

13 Q. Were there ever any monuments or posts or  
14 stakes that delineated where the boundary between  
15 the two was, the burning dump and the Shpack dump?

16 A. No. Just the town line.

17 Q. And the town line was shown on a plan --

18 A. Who knows.

19 Q. There wasn't a line in the field out there  
20 that --

21 A. No.

22 Q. -- showed the town line?

23 A. No. No magic line.

24 Q. No magic line. All right.

1                   Now, turning to the item you mentioned  
2 about the bulldozer working both sides.

3           A. Right.

4           Q. You had mentioned that the town paid the  
5 bulldozer operator to bulldoze the burning dump.

6           A. Right.

7           Q. And I believe you also said that  
8 Mr. Shpack would then pay him sort of under the  
9 table?

10          A. Well, you know, that's speculation. You  
11 don't --

12          Q. But you said he went over to Mr. Shpack's  
13 dump?

14          A. Right.

15          Q. And then he would bulldoze over there.

16          A. Right.

17          Q. Could you describe sort of the -- how far  
18 you think this operation, bulldozing operation  
19 went in terms of both sides of the line? In other  
20 words, would waste be pushed from the Shpack  
21 landfill onto the Attleboro dump and likewise from  
22 the Attleboro dump to the Shpack dump, and, if so,  
23 how far, sort of across that line if you can gauge

24 it, that went?

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1 A. Well, pushed that way. Push this way.

2 Q. So when you're saying it was pushed to  
3 the -- from the burning dump to the east, is  
4 that --

5 A. Right.

6 Q. -- as you were drawing and then from  
7 the --

8 A. Well, Metals & Controls nuclear division  
9 did not dump in the Attleboro dump. So that in  
10 this Attleboro dump area is nuclear waste. So  
11 that tells you how far the bulldozer pushed.  
12 You'd have to go down there -- have you been down  
13 there?

14 Q. Yeah. But I haven't really walked it in  
15 this way. So what you're saying is that it did  
16 get -- it was hard to say how far, but it got  
17 pushed across that boundary.

18 A. Right. Both times.

19 Q. Both the sides?

20 A. One way and the other. This place was  
21 settled down. This was on a swamp.

22 Q. And the bulldozer operator had no flags or  
23 markers --

24 A. No.

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1 Q. -- that would show where that boundary  
2 was.

3 A. No. See, you had to keep starting over  
4 again. You worked so long, then it would settle  
5 down. Then you'd come back and start at the gate  
6 again and start over again.

7 Q. And starting during the period that you  
8 operated the dump in 1956, how long was that  
9 bulldozer operation we're talking about right now  
10 going on? How many years would you say did  
11 they -- into the '60s, for example?

12 A. Until probably about '63 or so.

13 Q. So of your own knowledge those particular  
14 kinds of operations with the bulldozer were from

15 1956 to 1963 approximately.

16 A. Somewhere in that neighborhood.

17 Q. Thank you.

18 Now, again referring to your  
19 descriptions yesterday. You spoke about having  
20 this special disposal area for certain, I don't  
21 know what we should call them, difficult waste, is  
22 that a good term?

23 A. Well, I didn't want to be walking in mud  
24 while I'm salvaging. So anything that was -- any

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1 type of mud or liquid or whatever went around the  
2 back. As you came up with another layer you could  
3 send trucks around the back. If there was  
4 something that was no good I'd send it around the  
5 back side.

6 Q. Just looking at the plan together again,  
7 this is Exhibit 1, can you show me, and maybe we  
8 can mark it where the entrance was, and then how  
9 the trucks would get to the area in the back.



10           A. Well, it's already marked.

11           Q. Oh, it is. The entrance I think is

12 marked, which is right here. So the entrance was

13 off Peckham Street?

14           A. Yeah. It could be more over this way.

15           Q. Slightly to the west?

16           A. Yeah. Could be right alongside the line

17 here.

18           Q. And where would you route the trucks to go

19 to the back of the burning dump or how would you

20 route them? Maybe if you want to you could even

21 draw that on the plan if there was a route.

22           A. Well, you kept on going different layers

23 so you would, you know, route them to around the

24 back, okay.

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1           Q. And the back is -- we're talking about is

2 to the sort of south, is it basically or --

3           A. To the south.

4           Q. -- southeast maybe?

5           A. This is north over here.

6 Q. Okay.

7 A. This is south.

8 Q. So it's in the southern -- it was the  
9 southerly end of the burning dump.

10 A. Right.

11 Q. Was that area lower by the way or was  
12 it -- was that up land?

13 A. It would keep sinking.

14 Q. It would keep sinking. So that area was  
15 kind of wet or mucky back there?

16 A. You mean before it started?

17 Q. Or during the period of disposal of waste  
18 disposal.

19 A. Well, yeah, you had, you know, the city  
20 bringing in big huge Dutch elm trees. One log to  
21 a truck they were so huge. Right. And that would  
22 sit there sometimes two or three years and finally  
23 catch fire and burn for years. So you went --  
24 anything that was going to be in your way or hard

1 to push you'd send it on another level so that you  
2 could bulldoze over this stuff and then eventually  
3 all that would catch fire and burn for years.

4 Q. And then it would settle down or sink once  
5 it burnt?

6 A. (No verbal response.)

7 Q. Now, again focusing on the back of the  
8 site. Could you describe what type of waste that  
9 you would -- actually, why don't we start. When  
10 would you start sending waste back there? What  
11 time period did you start sending waste toward the  
12 back of the site?

13 A. Well, after you operated for four or five  
14 years, right, then you'd move back forward again,  
15 start over again.

16 Q. And the materials that you would route to  
17 the back of the site as opposed to sort of in the  
18 salvage area, could you just describe for me again  
19 what those materials were.

20 A. Take all the material from the forestry  
21 department, anybody that had any sludge or  
22 anything, you go around the back. Anything I  
23 could salvage I dropped in the front.

24 Q. And then turning your attention to the



1 early 1960s and '63, '64 time frame as well, when  
2 there were some issues about the types of  
3 materials that were burning, I believe you  
4 mentioned yesterday that you would try to route  
5 plastics and oils and other -- and rubber to the  
6 back of the dump?

7 A. Right. So I didn't have to work in too  
8 thick of smoke.

9 Q. And when would you -- when did you  
10 actually recall starting to route those materials,  
11 plastics and rubbers and the coated paper, which I  
12 think you also said you routed at the back --

13 A. Yeah.

14 Q. -- to the back? When did you start doing  
15 that?

16 A. I don't know, probably after I was there a  
17 few years. So started in '56. Probably '59 or  
18 so.

19 Q. And did you continue that particular  
20 practice all the way up to the time you stopped

21 burning in 1965?

22 A. I'd every so often come back and start  
23 over again see there was no -- when the bulldozer  
24 got done, all you had was ashes and nails and

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1 there was no fill brought in to cover this over.  
2 Because every Sunday I had to fix five flat tires  
3 on my truck. Like anybody else that went to the  
4 dump.

5 Q. Because of the nails?

6 A. Right. Because I even -- the wife and I  
7 even salvaged burnt tin cans. Same thing you're  
8 doing today, which they call recycling.

9 Q. Right.

10 A. Only these were burnt.

11 Q. Now, that actually brings me to sort of  
12 my -- a good transition to my next question, which  
13 has to do with the time period between 1965 when  
14 the burning dump stopped operation I believe you  
15 described --

16 A. Uh-huh.

17 Q. -- and the beginning of the formal  
18 sanitary landfill, which I think in Exhibit 2  
19 you've described as being '75? 1975?

20 MS. O'BRIEN: Do you have --

21 Q. Let's refer to Exhibit 2, which is your  
22 response. If I could just take a quick look at  
23 that. Actually, why don't we get to it another  
24 way and just let me ask you if I can, when did you

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1 start landfill operations as a sanitary landfill?

2 A. I didn't start it. The city did.

3 Q. When did the city start?

4 A. 1966.

5 Q. In 1966? And where did those operations,  
6 again looking at our plan which is Exhibit 1,  
7 where did those -- where were those operations  
8 conducted? The landfill operations in 1966?

9 A. I'd say right over here.

10 Q. And you're pointing to the area which is  
11 to the west of the burning dump off of Peckham

12 Street?

13 A. Way over here.

14 Q. Way over. Okay.

15 MR. AGNELLO: Michael, are we going to  
16 put 1966 or some kind of marking on that?

17 Q. Can you just mark 1966 where the  
18 operations were. And from there where did they --

19 MR. AGNELLO: Did he put a line?

20 MR. LAST: He put basically a little  
21 square.

22 MR. AGNELLO: Why doesn't he just  
23 write 1966.

24 Q. Could you just write 1966 and that way

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1 we'll know that that's 1966 operations. Thank  
2 you.

3 And those operations, sanitary  
4 landfill operations, where did they -- what  
5 direction did they move as they expanded?

6 A. South.

7 Q. South. Southerly. And you're pointing  
8 from Peckham Street then moving in a southerly  
9 direction.

10 A. Right.

11 Q. And from 1966 to 1975, were the sanitary  
12 landfill operations conducted in that area which  
13 is to the west of the burning dump?

14 A. Yes.

15 Q. And they did not during that time period  
16 then touch upon the area that was the burning  
17 dump?

18 A. No.

19 MS. O'BRIEN: Objection.

20 MR. LAST: Let me at this point  
21 introduce an exhibit which we will mark Exhibit 6.

22 (Exhibit 6, was marked for  
23 identification)

24 Q. This is a letter --

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1 MS. O'BRIEN: Can we just have a  
2 moment, Mike, please.



3 MR. LAST: Oh, absolutely.

4 MS. O'BRIEN: Do you have a second  
5 page or a third page or...

6 MR. LAST: No, we don't. I want to  
7 describe it. That's what I was about to do.

8 Q. This was a letter which was in the records  
9 of the City of Attleboro and we only have the  
10 first page of it. This was, as I was about to  
11 say, in the records of the City of Attleboro. We  
12 only have the first page of it, but there is  
13 information in here which I would like to ask you  
14 a few questions about.

15 MS. O'BRIEN: Could we just wait until  
16 we've completed reading it?

17 MR. LAST: Absolutely.

18 MS. O'BRIEN: Thanks.

19 (Pause.)

20 Q. Have you had a chance to look at it and  
21 read it?

22 A. Yeah.

23 Q. This is dated July 8, 1975. It's a letter  
24 report prepared by New England Testing Laboratory,



1 Inc. and we have, as I said, only one page of it.  
2 It is a report addressed to Attleboro Landfill,  
3 Inc. and let me just ask you when Attleboro  
4 Landfill, Inc. was incorporated?

5 A. 1975.

6 Q. And was that a corporation in which you  
7 had an interest?

8 A. Yes.

9 Q. Can you describe your interest in that  
10 corporation.

11 A. I was a partner.

12 Q. You were part owner?

13 A. Yes.

14 Q. This letter is addressed to Mr. David  
15 Brask. Was he also part owner of it at the time?

16 A. Yes.

17 Q. Do you recall the context of this report?  
18 In other words, what this was done for? Why it  
19 was done?

20 A. That's when the City of Attleboro packed  
21 up and left. There was -- I had no more fill

22 on-site so the city was going to pack up and leave  
23 so we formed a corporation and landfilled rubbish.  
24 Q. Now, this letter is -- it looks to me like

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1 an inspection report, is that what would appear to  
2 you that well as well?

3 MS. O'BRIEN: Objection.

4 Q. In the report there's a reference to the  
5 easterly side of the landfill at the  
6 Norton-Attleboro line.

7 A. Uh-huh.

8 Q. Can you place that for me, to your  
9 knowledge, where that was likely to be, easterly  
10 side of the landfill? Would that be along the  
11 easterly side of the burning dump at the --

12 A. Yes.

13 Q. -- Attleboro-Norton line?

14 A. Right on the edge.

15 Q. So right where it joined the Shpack  
16 landfill.

17 A. Right.

18 Q. And the report refers to a pool of surface  
19 water of certain dimensions because of drainage  
20 and then describing debris that was present,  
21 including plastic pipe, cardboard rusty cans and  
22 it is described that there's a strong odor present  
23 coming from 30-, 50-gallon rusty drums that had  
24 chemical compounds that gave off a strong chemical

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1 odor. Was there waste left in that area after the  
2 burning dump was no longer used?

3 MS. O'BRIEN: Objection. Can you  
4 define what you mean by "that area"?

5 Q. Was there waste left in the area along the  
6 boundary between Norton and Attleboro which  
7 would've been the easterly side of the burning  
8 dump?

9 A. Well, this is the area where the whole  
10 building that blew up at Thompson Chemical was  
11 dumped. Actually this whole area. And then the  
12 sludge from that Attleboro Refinery was dumped

13 over the Thompson Chemical material.

14 Q. And the area you're pointing to, as far as  
15 I can tell, is on the boundary between the Shpack  
16 landfill and the -- Shpack dump and the burning  
17 dump along the Attleboro-Norton town line?

18 A. It's right.

19 Q. At the southerly end of that?

20 A. Southeast of -- southeast of -- well,  
21 here's your burning dump and here's where all your  
22 Thompson Chemical and Attleboro Refinery material  
23 is.

24 Q. And that's designated, if I can just look

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1 at that, on this plan --

2 A. It's a fenced area.

3 Q. -- on Exhibit 1 is called the tongue area,  
4 is that correct?

5 A. Tongue area.

6 Q. Tongue area. And that was the area that's  
7 referred to in this report you believe as well?

8 A. Right.

9 Q. Does that area extend over onto the  
10 burning dump as well as the Shpack landfill?

11 MS. O'BRIEN: Objection. Are you  
12 asking if the tongue area on this plan does?

13 MR. LAST: No. The tongue area which  
14 he's already -- I think you already stated that  
15 this report was referring to the tongue area.

16 A. Yeah.

17 Q. And I wanted to just make clearer that was  
18 an area on both the Attleboro dump and the Shpack  
19 landfill?

20 A. 99 percent it's on the Shpack --

21 Q. Shpack landfill?

22 A. -- property.

23 Q. And a small portion is on the burning  
24 dump.

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1 A. Just a corner according -- this here has  
2 got to be a fence.

3 Q. Was that fence there at the time you

4 operated --

5 A. No.

6 Q. -- the dump? No?

7 But you believe that fence is actually  
8 the fence that was put up around the Superfund  
9 site.

10 A. The last fence. Not the original fence.  
11 This was added -- this was added on probably two  
12 years ago.

13 Q. Oh, okay.

14 A. It used to end over here.

15 Q. But that's all recent fencing that you're  
16 referring to.

17 A. Right here?

18 Q. Yes.

19 A. Or over here?

20 Q. When I say recent, this is after 1965.  
21 All of that's after the burning dump.

22 A. After '65. Right.

23 Q. And focusing again on this July 8, 1975  
24 report that's marked as Exhibit 6. This was waste

1     that was -- was this waste that dated back to  
2     1965? Or was there filling after 1965 that this  
3     waste might have been involved in?

4             A. This --

5                     MS. O'BRIEN: Objection.

6             A. This was --

7                     MS. O'BRIEN: You can still answer.

8     If you understand.

9             A. This was supposed to be the way the city  
10    operated as a sanitary landfill. The reason  
11    that -- the reason that -- the reason that we had  
12    this tested and everything was because it was a  
13    landfill, but it was more or less operated as a  
14    skimping landfill, no burning, but kind of like a  
15    dump. In 1975 we had to turn it into a sanitary  
16    landfill.

17            Q. And the waste that's referred to in this  
18    letter came from what had been called the sanitary  
19    landfill, but was really sort of partially a dump?

20                    MS. O'BRIEN: Objection.

21            A. City.

22            Q. The city operations?

23            A. Right.



24 Q. During the time frame, 1966 to 1975, were

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1 you involved in helping the city operate?

2 A. Well, my job was just to salvage to make a  
3 living, which was pretty skimpy in those days.

4 Q. Did you operate the bulldozer during that  
5 time period for the city?

6 A. Not unless it was -- not unless there was  
7 a fire, then the operator was afraid of it so I'd  
8 jump on the machine and get the fire out.

9 Q. And during the 1966 to 1975 time frame  
10 that we're talking about before Attleboro  
11 Landfill, Inc. was organized, would wastes, not  
12 wood waste, but would, W-O-U-L-D, waste end up at  
13 all in the burning dump from the city's  
14 operations?

15 A. No.

16 Q. It would not. The bulldozer would not  
17 push any waste at all into the area of the burning  
18 dump.

19 MS. O'BRIEN: Objection. I'm just  
20 objecting to the way he asked the question.  
21 A. Wait a minute. There was a certain amount  
22 of burning allowed to burn just wood only.  
23 Q. And was that conducted on the burning dump  
24 at that time?

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1 A. Yes.  
2 MR. AGNELLO: What's the time frame?  
3 Q. 1966 to 1975 time frame is that...  
4 A. Not that far. No. Maybe -- maybe '66 to  
5 1970.  
6 Q. And in that time frame, 1966 to '75, to  
7 your knowledge no waste other than wood waste was  
8 managed on the burning dump site.  
9 A. Right.  
10 MS. O'BRIEN: Objection.  
11 Q. Then turning to the July 18, 1975 letter  
12 which is Exhibit 6. The wastes that are referred  
13 to in the second paragraph of that letter, can you  
14 again just describe the source of those wastes,

15     which were the drums with chemical compounds, to  
16     your knowledge.

17             A. This is right here?

18             Q. Uh-huh.

19             A. What about them?

20             Q. Excuse me?

21             A. What about them?

22             Q. The source of them. Do you know where  
23     they came from? Where they may have come from?

24             A. Thompson Chemical.

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1             Q. Thank you.

2                     Now, just finishing off the operations  
3     of the landfill. Now I'm talking about the  
4     sanitary landfill. I'd like to mark as Exhibit 7  
5     a plan which I will give you. This is from a  
6     report entitled "Report on Proposed Sanitary  
7     Landfill Operation in Attleboro, Massachusetts."

8                     (Exhibit 7, was marked for  
9     identification)

10 Q. I'm also going to mark as Exhibit 8 a  
11 related figure from the same report. Again it's  
12 dated May 1976. And it's designated in that  
13 report as figure four.

14 (Exhibit 8, was marked for  
15 identification)

16 Q. Mr. Dumont, do you recall was GHR  
17 Engineering hired by Attleboro Landfill, Inc.?

18 A. Yes.

19 Q. And what role were they hired to perform,  
20 what function?

21 A. All the engineering and testing and  
22 everything that you would do to run a sanitary  
23 landfill.

24 Q. And this was the new sanitary landfill

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1 operation?

2 A. Yes.

3 Q. Now look at figure two, which is marked as  
4 Exhibit 7, this is from, as I said, the report  
5 dated -- that GHR prepared, dated 1976.

6 MS. O'BRIEN: I object to your  
7 characterization of where this document comes from  
8 because there's no indication whatsoever on the  
9 figure itself as to where it comes from, what the  
10 date was, who prepared it and the same goes for --

11 MR. LAST: Why don't we put the entire  
12 report in --

13 MS. O'BRIEN: The same goes for  
14 Exhibit 8.

15 MR. LAST: -- and that way we'll have  
16 all of it. I do not have copies of the entire  
17 report. But why don't we mark that Exhibit 9.

18 (Exhibit 9, was marked for  
19 identification)

20 MR. LAST: It's a report on proposed  
21 sanitary landfill operations in Attleboro,  
22 Massachusetts, dated May 1976 prepared by GHR  
23 Engineering Corporation, 75 Tarkin Hill Road, New  
24 Bedford, Massachusetts. And that's marked

1 Exhibit 9.

2 Q. Turning to figure two --

3 MS. O'BRIEN: I'm sorry, but we don't  
4 have the report. We need a few minutes to take a  
5 look at it.

6 (Pause.)

7 Q. Referring then to the GHR Engineering  
8 report that's been marked Exhibit 9. I believe  
9 you stated GHR Engineering Corporation had been  
10 hired by Attleboro Landfill, Inc.?

11 A. Right.

12 Q. Can you describe what they were hired to  
13 do.

14 A. Survey, get all the permits.

15 Q. And this report, being entitled "A Report  
16 on Proposed Sanitary Landfill Operation," was this  
17 report designed to describe the new sanitary  
18 landfill operations commencing in '76?

19 MS. O'BRIEN: Objection. You can  
20 still answer.

21 A. It was to update -- update the landfill.

22 Q. Update the landfill.

23 And in the report the figures which  
24 have been figured as Exhibits 7 and 8, and I'll



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1 start with 7, which is figure two, it's entitled  
2 "Landfill Site" and it shows in an area that is  
3 along the Norton-Attleboro line, a proposed active  
4 area marked 30 acres plus or minus?

5 A. Yes.

6 Q. Can you tell me what that proposed active  
7 area was?

8 A. A landfill.

9 Q. And that was to be the new sanitary  
10 landfill area or part of it?

11 MS. O'BRIEN: Objection.

12 A. This was updating the City of Attleboro  
13 Landfill.

14 Q. And this was again in 1976. Turning then  
15 to figure four, which is sequence of operation,  
16 which is right below. Is this in the same area  
17 that's shown, that's on this sequence of  
18 operation, is that the same area that's shown as  
19 the proposed active area on figure two?

20 A. Seems to be.

21 Q. And can you describe for me what the  
22 proposed sequence of operation based on this plan  
23 was to be.

24 A. Landfilling in the lifts with daily cover.

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1 Q. And these areas that are shown by the  
2 boxes which are numbered sequentially one, two,  
3 three and on, those are -- can you describe what  
4 those are?

5 A. More or less must be the lifts.

6 Q. Now, again referring to figure four. It  
7 shows, as does figure two, this area in apparent  
8 close proximity to the Norton-Attleboro line. Can  
9 you, referring to figure one, which is under your  
10 hand, show where on figure one roughly this area  
11 was, this new landfill area.

12 MR. AGNELLO: You mean Exhibit 1.

13 MR. LAST: Yes. Exhibit 1. Sorry.

14 A. Well, no. I don't understand -- I don't  
15 understand this one here because we have -- I



16 don't understand it.

17 Q. We have on these two figures --

18 A. See, because you got the Norton town line  
19 right here. Maybe you can understand it better  
20 than I can.

21 Q. Well, the question that, looking at this,  
22 I have is --

23 A. I get my maps out I know exactly what I'm  
24 doing. When you're showing me stuff like this

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1 here, I really don't know what it means.

2 Q. Both of these figures do show new landfill  
3 activity close to the Norton-Attleboro line.

4 A. Well, there's -- here's your town line  
5 showing the power transmission. The power  
6 transmission comes across. So I don't understand  
7 where you're going here.

8 Q. Well, the question is on the new sanitary  
9 landfill operation, did any of that -- was that --  
10 any of that either on the old burning dump or  
11 adjacent to, immediately next to the old burning

12 dump? The new landfill operations, were they next  
13 to or on the burning dump?

14 A. The old burning dump was excavated for  
15 daily cover by the city, and then landfilled.

16 Q. And in 1976 then the new operations were  
17 conducted where in relationship to the old burning  
18 dump?

19 A. It was operated above the landfill that  
20 the city was running.

21 Q. So is it accurate to say that the new  
22 landfill in 1976 was next to, but not on --

23 A. Right.

24 Q. -- the old burning dump?

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1 A. Right.

2 Q. You said then that they had excavated part  
3 of the old burning dump for cover?

4 A. All the burning dump.

5 Q. And that was -- cover was placed where?

6 A. Over the daily rubbish.

7 Q. Over the daily rubbish in which portion?

8 In the new landfill?

9 A. In the city landfill.

10 Q. And again I'm referring to the time period  
11 from 1976 on. Is that the time period you're  
12 referring to?

13 A. You're referring to '66 to '75.

14 Q. So that's the time period you're referring  
15 to at this point when it was used as cover.

16 A. Right.

17 Q. And then in '76, going forward, under the  
18 new landfill, the fill was placed over the 1966 to  
19 1976 area?

20 MS. O'BRIEN: Objection.

21 Q. I'm just trying to understand the  
22 sequence. Maybe let's take a step back. Can you  
23 describe the sequence of development of the new  
24 landfill. The 1976 and later landfill.

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1 MS. O'BRIEN: I object to that line of  
2 questioning. The so called new landfill in '76

3 forward that you're referring to is the landfill  
4 or was the landfill operated by Attleboro  
5 Landfill, Inc., which is not the subject of the  
6 discussion here today. I think what Mr. Dumont  
7 was trying to describe was the continued city  
8 operations from '65 to '75.

9 THE WITNESS: '66 to '76.

10 MS. O'BRIEN: Thank you. He knows  
11 certainly better than I do. '66 to '75.

12 Q. The reason for this line of inquiry is  
13 simply to understand where the filling occurred  
14 and whether it occurred directly or inadvertently  
15 on the old burning dump which is part of the  
16 Shpack site.

17 A. No. Nothing -- nothing moved from the old  
18 burning dump.

19 Q. No --

20 A. That stayed there.

21 Q. Did anything come from the adjacent area  
22 onto the old burning dump --

23 A. No.

24 Q. -- either accidentally or purposely?



1 A. No.

2 Q. Thank you.

3 A. There was a restriction on the power  
4 lines. Power line has an easement and you cannot  
5 go under that easement unless you're farming.  
6 That's the only restriction that you're allowed  
7 under power lines.

8 Q. And the power line easements crossed the  
9 old burning dump?

10 A. Right.

11 Q. Thank you.

12 Moving from the landfill operations,  
13 I'd like to mark as Exhibit 10 this letter.

14 (Exhibit 10, was marked for  
15 identification)

16 Q. It's a letter dated December 8, 1964  
17 addressed to Mr. Harvey. Do you recognize the --  
18 this letter?

19 A. I don't remember it, but I see it.

20 Q. And is that your signature at the bottom,  
21 on the second page?

22 A. It's pretty nice writing, but it doesn't  
23 look like my signature, but I don't know.  
24 Q. Well, this letter --

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1 A. It could be. It could be.  
2 Q. -- is addressed to Mr. Harvey. Do you  
3 recall who Mr. Harvey was?  
4 A. I remember him as a health inspector.  
5 Q. John Harvey?  
6 A. Probably.  
7 Q. And in this you identify names and  
8 addresses of persons engaged in the business of  
9 hauling rubbish to the Attleboro dump.  
10 A. Yeah.  
11 Q. And the names are Suburban Trucking of  
12 Attleboro, at the time Tetreault Trucking of  
13 Attleboro, Goditt & Boyer of Attleboro, Bosh  
14 Trucking of Attleboro, Wilfred Plante & Sons of  
15 Norton and L.W. Fontaine of North Attleboro. Is  
16 that listing accurate at that time?  
17 A. I don't remember who Suburban Trucking

18 was, but whatever I wrote down has gotta be it.

19 Q. Do you recall your contact people at each  
20 of these trucking or transporter companies?

21 A. Well, I don't remember the first one.  
22 Tetreault Trucking, I used to work for him picking  
23 up rubbish.

24 Q. And who was the contact person there that

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1 you worked with?

2 A. Louie, but he's been long dead.

3 Q. Was there anyone else that you worked with  
4 there who may be alive?

5 A. No.

6 Q. Goditt & Boyer, your contact was?

7 A. Mr. Brask.

8 Q. Were there any other drivers or employees  
9 with whom you dealt?

10 A. No.

11 Q. Bosh Trucking, your contact person was?

12 A. Been long dead.

13 Q. There's nobody alive that you would recall

14 that you dealt with at Bosh Trucking?

15 A. No.

16 Q. Wilfred -- --

17 MR. KREIGER: Michael, can we get a

18 spelling on that?

19 MR. LAST: Yes. It's B-O-S-H.

20 MR. BEARD: Are you taking it from

21 this exhibit? Can we just confirm that that's the

22 right name?

23 A. That's it.

24 Q. Wilfred Plante & Sons?

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1 A. Long time dead.

2 Q. Who was your contact there?

3 A. Willy.

4 Q. Was there anyone else with whom you dealt?

5 A. No.

6 Q. And L.W. Fontaine?

7 A. L.W. Fontaine.

8 Q. Who was your contact?



9 A. Leo.  
10 Q. Leo Fontaine?  
11 A. Yeah.  
12 Q. Was there anyone else with whom you dealt?  
13 A. No.  
14 Q. So you don't remember any drivers with  
15 Fontaine?  
16 A. No.  
17 Q. Great. Thank you very much. That's all I  
18 need on that.  
19 Do you recall in addition to these  
20 ever having dealt with either in this time period  
21 or before, United Sanitation or Capuano Brothers?  
22 A. In what year are you talking?  
23 Q. In that time frame that you operated the  
24 Attleboro burning dump which would be 19 --

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1 A. No.  
2 Q. Did you deal with them subsequently to  
3 your knowledge?

4 A. They never dumped on my property.

5 Q. But you know who they are?

6 A. I've met them a few times.

7 Q. But they never disposed of anything on --

8 A. No.

9 Q. -- the Attleboro dump?

10 A. No.

11 Q. In addition to the list which I'd given  
12 you as Exhibit 10, the December 1964 list that you  
13 provided to Mr. Harvey, were there any other  
14 companies that you recall that you dealt with  
15 during the 1946 to 1965 time frame?

16 A. No.

17 Q. Do you recall the names of any drivers  
18 other than the ones we've talked about? Any  
19 drivers who brought waste to the dump?

20 A. Most of them are all dead.

21 Q. Do you recall the names of anyone who's  
22 alive?

23 A. No.

24 Q. With respect to these waste transporter

1 companies that are listed on Exhibit 10, do you  
2 know what businesses they may have transported  
3 waste for?

4 A. I have no idea.

5 Q. Finally turning to municipal haulers,  
6 being cities or towns. You had mentioned that the  
7 landfill was close, the dump was close to Norton,  
8 Seekonk and Rehoboth. Were there any other towns  
9 that were close by that might have brought waste?

10 A. In what time frame?

11 Q. 1946 to 1965.

12 A. No.

13 Q. As to Norton, Seekonk and Rehoboth, do you  
14 recall waste being hauled -- specific waste being  
15 hauled from those communities to the burning dump?

16 A. Yes.

17 Q. Were those municipal haulers that hauled  
18 the waste?

19 A. No.

20 Q. So they were private companies hauling the  
21 waste?

22 A. Yeah.

23 Q. Do you recall any times when any of the

24 surrounding cities or towns to Attleboro may have

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1 had their dumps closed and waste was brought to  
2 the burning dump during that period?

3 A. No.

4 Q. No?

5 MR. LAST: Thank you very much.

6 MS. O'BRIEN: Can we go off the record  
7 just a minute?

8 (A discussion was held off the record.)

9 EXAMINATION BY MR. LEIFER:

10 Q. Good morning, Mr. Dumont. Apparently I'm  
11 next on your hit parade.

12 A. Okay.

13 Q. My name is Steve Leifer and I am  
14 representing Texas Instruments.

15 A. Oh, yeah.

16 Q. I'm going to ask you some questions just  
17 to fill in on some of the points that you made  
18 earlier and there may be objections to my

19 questions, but you can listen to the objection and  
20 then answer unless your counsel directs you not  
21 to. So after the objection -- you hear the  
22 objection, you can just continue with your answer.

23 If you don't understand my question,  
24 please let me know, then I'll try to rephrase it

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1 for you.

2 A. Okay.

3 Q. Just give me one second while I distribute  
4 some of my papers here.

5 Mr. Dumont, I believe yesterday you  
6 mentioned that you observed Metals & Controls  
7 taking material to the Shpack dump, but only  
8 rarely. Is that consistent with your  
9 recollection?

10 A. Metals & Controls was a daily.

11 Q. When you -- did you observe them dumping  
12 materials on the Shpack dump every day or did you  
13 only rarely observe them dumping?

14 A. I saw them going by to go there, but

15 never -- maybe observed them a few times if they  
16 were -- happened to be dumping facing my dump.

17 But...

18 Q. So is it fair to say that only rarely did  
19 you observe them physically dumping material at  
20 the Shpack dump?

21 A. Physically viewing them. Yes.

22 Q. Thank you.

23 Did you see the contents -- let me  
24 back up and ask a preparatory question.

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1 When the trucks would go by from  
2 Metals & Controls --

3 A. Yes.

4 Q. -- what kind of containers were in the  
5 trucks? Did you see those containers?

6 A. Viewed them once in a while.

7 Q. Were they always the same?

8 A. Well, see the trucks were covered.

9 Q. So you couldn't see the containers, is

10 that correct?

11 A. I could only see in the back. That's it.

12 Q. Because the trucks were covered.

13 A. Right. Both trucks -- we're only talking  
14 about Spencer Thermostat, Metals & Controls right  
15 now, right?

16 Q. Okay. Let's make sure that we're clear on  
17 that point.

18 A. Right.

19 Q. Were there other trucks -- let's take  
20 Spencer Thermostat and put them aside for a  
21 moment.

22 A. Okay.

23 Q. And now we're going to talk about M&C  
24 nuclear?

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1 A. 1958.

2 Q. Did you see their trucks go back to the  
3 Shpack landfill?

4 A. Yes.

5 Q. Were they covered?

6 A. Yes.

7 Q. So you couldn't see into the truck except  
8 through the back?

9 A. That's it.

10 Q. Do you remember seeing the kinds of  
11 containers through the back?

12 A. No.

13 Q. So it's also fair to say that you don't  
14 know what was actually in the containers, is that  
15 correct?

16 A. Right.

17 Q. Do you have any precise knowledge of the  
18 materials that were placed on the Shpack dump by  
19 either Spencer Thermostat or Metals & Controls or  
20 M&C nuclear or any form of M&C?

21 A. No.

22 Q. Thank you.

23 Do you know for a fact from your own  
24 personal knowledge that any of those materials



1 which may have been placed by any of those  
2 companies that we just talked about, M&C, Metals &  
3 Controls, M&C nuclear or Spencer Thermostat were  
4 radioactive?

5 A. No.

6 Q. Mr. Dumont, I'm going to now talk about  
7 some other companies.

8 A. Right.

9 Q. And I'm going to show you one or two  
10 documents which are designed to refresh your  
11 recollection. I'm not going to mark them as  
12 exhibits because I am not officially putting them  
13 in the record, but I'm going to show them to you,  
14 ask you to look at pieces of them just to see if  
15 it refreshes your recollection given that we're  
16 discussing events that happened so long ago.

17 One of the documents that I'm going to  
18 use, I probably only have two total, is a  
19 transcript from the deposition that you gave in  
20 May of 2004. Do you remember giving a deposition  
21 and being asked questions about a representative  
22 of the Environmental Protection Agency?

23 A. Yes.

24 Q. Mr. Dumont, the first company that I'm



1 going to ask you a couple of questions about is  
2 Goditt & Boyer. And I know that you've already  
3 given some testimony about Goditt & Boyer, and I'm  
4 not going to try to go over old ground, but I'm  
5 going to ask you to look at a couple of pages from  
6 your prior testimony, again to simply refresh your  
7 recollection. The first page that I'm going to  
8 ask you to look at is page 41.

9 A. 41.

10 Q. 41. Now, we are fortunate because on the  
11 left side of this document there are line numbers.  
12 So I'm going to tell you in advance that while I'm  
13 going to point out some line numbers that I'd like  
14 you to look at, of course if you want to look at  
15 any other part of this document you should feel  
16 free to do so, but I will tell you in advance the  
17 ones that I'm particularly focusing on, and ask  
18 you to look at those.

19 The first question I have has to deal  
20 with lines ten through 19 on page 41 and I would

21 just ask you to glance quickly at that -- at those  
22 few lines.

23 A. Yeah.

24 Q. Is it your understanding that there were

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1 small quantities of hazardous waste contained in  
2 the materials brought to the burning dump by  
3 Goditt & Boyer?

4 A. There could be.

5 Q. It was not against the law to put small  
6 quantities in the trash, correct?

7 A. That's right.

8 Q. Did you ever see any hazardous waste  
9 materials or materials that you thought were  
10 hazardous waste in the materials being brought by  
11 Goditt & Boyer?

12 A. No.

13 Q. You're not sure whether there was or there  
14 wasn't hazardous waste in those materials?

15 MS. O'BRIEN: Objection.

16 A. I didn't.

17 Q. You can answer.

18 A. Yeah. I don't know whether there was or  
19 there wasn't.

20 Q. I'm now going to ask you if you wouldn't  
21 mind turning to page 62. And I'm going to ask you  
22 to look at a few lines on 62 and 63. And what I'm  
23 going to ask you to do is just skim from line 15  
24 on page 62 to line 13 on page 63. Again on page

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1 62 starting with line 15. There was a question  
2 about whether Goditt & Boyer brought industrial  
3 materials or more of a general operation and you  
4 said both. Is it your current recollection that  
5 Goditt & Boyer brought both general trash and  
6 industrial waste to the burning dump?

7 A. Yes.

8 Q. Mr. Last, the person who just questioned  
9 you, asked you a couple of questions about jewelry  
10 manufacturers and what kind of waste they generate  
11 and you answered those questions. One of the

12 questions that I wanted to ask you about, and I  
13 think you probably indicated this to Mr. Last, but  
14 on page 63 you see where it says on line eight,  
15 talking about jewelry shops, almost every shop in  
16 Attleboro had all this vacuum stuff, you know, for  
17 polishing.

18 A. Right.

19 Q. And I just wanted to be clear on what you  
20 meant by "vacuum stuff."

21 A. Well, every factory had polishes,  
22 polishing jewelry.

23 Q. So the vacuum stuff, is that the material  
24 that is vacuumed up off the floor?

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1 A. No.

2 Q. Oh, I'm sorry. Can you describe it a  
3 little bit more specifically for me.

4 A. Most factories had big blower systems with  
5 shoots and every so often they'd go up in flames  
6 or they would empty them out and bring it to the

7 dump.

8 Q. I see. So the -- I think I see. The  
9 shoots were those to capture the dust?

10 A. Right.

11 Q. I see. Almost like a filter.

12 A. Yes.

13 Q. So the vacuum stuff would've been the  
14 material removed or cleaned out from those dust  
15 filter systems. Is that a fair statement?

16 A. It would be sucked into a container as the  
17 guy is hand polishing.

18 Q. Thank you.

19 If you wouldn't mind turning to the  
20 next page, which is 64. I'm just going to ask you  
21 to look at a couple of lines from there. This is  
22 just line ten to 21. Is it your recollection that  
23 Goditt & Boyer brought material to the burning  
24 dump quite frequently and indeed sometimes every

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1 hour?

2 A. Could be.

3 Q. Were there occasionally paint or toner  
4 materials in the materials that Goditt & Boyer  
5 brought to the burning dump?

6 A. No.

7 Q. There were no paints or toners?

8 A. All paper.

9 Q. Were there oils or absorbents?

10 A. No.

11 Q. Did Goditt & Boyer bring waste from  
12 jewelry companies to the burning dump?

13 A. A few.

14 Q. Did those shipments from the jewelry  
15 companies occasionally contain vacuum stuff as  
16 referred to on page 63?

17 A. Are you talking in the '58 times?

18 Q. I am talking?

19 A. '58, '59?

20 Q. Yes.

21 A. You're talking about.

22 Q. That I am talking about any time between  
23 1946 and 1965.

24 A. I wasn't in the business in '46.



1           Q. I know. And the reason I went back to '46  
2    is because I believe you testified that for a  
3    brief period of time you worked there. It was  
4    only a couple of months and then you went into the  
5    service and came back. But that's why I included  
6    that long time range.

7           A. All right.

8           Q. So going back -- so I'm basically asking  
9    you --

10          A. From '56.

11          Q. -- from '56 on or at any time in 1946  
12    while you were there, did you see shipments  
13    brought to the site by Goditt & Boyer which  
14    contained vacuum stuff and just to use the term  
15    that you used in your deposition, or other  
16    metallic materials from jewelry companies?

17          A. From '58 until probably '61 or so all they  
18    had was an old pickup truck and by the time he got  
19    to the dump there was nothing left in the truck.  
20    Because there was nothing left to hold the rubbish  
21    in the truck.



22 Q. Some of the materials were falling out of  
23 the truck?

24 A. All the paper was gone by the time he got

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1 to the dump. Now, in probably '61 or maybe, it  
2 became a rubbish packer. People have -- back in  
3 those days all you had was barrels. The only one  
4 that had a rubbish packer was the city. So that  
5 people would come to the dump and empty out  
6 barrels, but you started getting into the '60s,  
7 people had rubbish packers. So that the rubbish  
8 would be packed into the truck.

9 Q. Okay. And I remember you talked about  
10 those rubbish packers before.

11 A. Right.

12 Q. Let's go back to just page 63 for a  
13 moment, which might be on the reverse side of the  
14 page that you're holding. And in it you said at  
15 the top -- or if you just read the lines that go  
16 from line three down to ten.

17 A. Yeah.

18 Q. The question then is did material brought  
19 to the site by Goditt & Boyer contain metallic  
20 dust or other metallic materials from jewelry  
21 companies in the Attleboro area at any time?

22 A. There could be.

23 Q. Up until 1965?

24 A. There could be a little bit of dust.

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1 Mostly the bigger factories like Swank's would  
2 come with just their own truck loaded with dust.

3 Q. So the Swank --

4 A. See, most polishing shops you had a lot of  
5 small jewelry shops with a small operation, but  
6 you had a few that were big. Not many. So that  
7 there could be -- there could be dust packed into  
8 your rubbish paker in between whatever, you know,  
9 people just dumped a barrel into the hopper and it  
10 got packed into the rubbish.

11 Q. And the basis for your statement that  
12 there could've been is that did you actually see

13 even once the evidence of metallic finds or dust  
14 or things like that in those rubbish packers?

15 A. Not paying too much attention. In other  
16 words, if I had nothing to salvage -- if I  
17 couldn't salvage anything out of a load, then I  
18 would just throw a match in and go to the next  
19 pile.

20 Q. Yes, I believe you testified that you  
21 didn't necessarily inspect carefully every single  
22 load.

23 A. No.

24 Q. Did you see that on at least one occasion

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1 the evidence of metallic dust or finds from  
2 jewelry companies in even one load?

3 A. Not paying attention I can't say that I  
4 didn't and I can't say that I did.

5 Q. And you referenced Swank. Did some of  
6 their shipments contain significantly more amounts  
7 of the metal dust and finds?

8 A. Oh, yeah.

9 Q. Did some of their --

10 A. Well, I don't know if you're talking about  
11 metal dust. I'm talking about just black  
12 polishing dust. I don't know what's in there. I  
13 had no idea.

14 Q. Thank you for that clarification. Let's  
15 just talk about black polishing dust for the  
16 moment. Did some of the Swank shipments  
17 contain -- let me rephrase that. Not a very good  
18 question.

19 For some of the Swank shipments were  
20 they made up mostly of black polishing dust?

21 A. When they brought polishing dust, that's  
22 the only thing they had on the truck.

23 Q. I see. And what amount of polishing dust  
24 was brought on those occasions when only polishing

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1 dust was brought to the site, and of course you  
2 can't be exact, but can you make an estimate?

3 A. I'd say five yards.

4 Q. Five cubic yards.

5 A. Four or five cubic yards.

6 Q. Thank you.

7 Mr. Dumont, if you could turn to page  
8 69 for a moment in your prior deposition  
9 transcript. I will ask you to look at lines 21 to  
10 the end on that page, and the last -- and the  
11 first line on the next page.

12 Okay? Have you had a chance to take a  
13 look at that?

14 A. Yep.

15 Q. Is it your current recollection that D.E.  
16 Makepeace disposed of a lot of liquids and dumped  
17 their liquids all over the Shpack dump?

18 A. D.E. Makepeace was only on Denham street.  
19 The truck that was dumping the liquids that I saw  
20 was Engelhard Industries.

21 Q. Let me rephrase my question and substitute  
22 Engelhard Industries for D.E. Makepeace. And my  
23 question then to you would be, is it your current  
24 recollection that Engelhard dumped a lot of

1 liquids at the Shpack dump and that they dumped  
2 liquids all over the place?

3 A. Well, I only saw them dump once. I saw  
4 them on-site before, but I only saw them emptying  
5 barrels out once because I wasn't on that piece of  
6 property very often.

7 Q. What volume of liquid waste did you  
8 observe them dumping that one time?

9 A. I only saw that two 55-gallon drums. That  
10 was it.

11 Q. Did you observe other drummed material,  
12 other 55-gallon drum material from Engelhard going  
13 to the Shpack site, even if you didn't see it  
14 actually poured out?

15 A. I've seen -- yes. I've seen trucks going  
16 there.

17 Q. And about how often did you see the  
18 drums -- the drummed -- 55-gallon drummed material  
19 from Engelhard go to the Shpack site?

20 MR. MASTROCOLA: Object to the form.

21 A. I can't remember, but I did see them once  
22 in a while.

23 Q. Was it more often than once a year?

24 A. Probably.

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1 Q. Do you know a gentleman named Richard  
2 Salisbury?

3 A. No.

4 Q. Do you know a gentleman named Roger  
5 Ramsey?

6 A. No.

7 Q. Did you ever hear of a company called A-1  
8 Trucking?

9 A. A-1 Trucking -- who was -- who was the  
10 owner? I could tell you.

11 Q. Well, I -- I'll ask another question to  
12 make it a little easier. Especially since I'm not  
13 supposed to testify here today.

14 Is it your understanding that a  
15 company called A-1 Trucking would haul waste for  
16 Engelhard or Makepeace?

17 MR. MASTROCOLA: Objection to the  
18 form.

19 A. I don't think A-1 Trucking went in  
20 business until 1980 or so.

21 Q. So you don't remember A-1 Trucking taking  
22 any waste to the burning dump or the Shpack dump?

23 A. No.

24 Q. Were you aware of whether Engelhard was

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1 licensed by the Atomic Energy Commission to handle  
2 depleted or enriched uranium at the Plainville and  
3 Attleboro locations?

4 A. Only rumors.

5 Q. Are you aware of any instances in which  
6 Engelhard or Makepeace disposed of any radioactive  
7 materials at the burning dump or the Shpack dump?

8 A. No.

9 Q. Do you remember any of the drivers for  
10 Balfour?

11 A. Armand Demayo, A-R-M-A-M-D.

12 Q. And Demayo would be D-E-M-A-Y-O, correct?

13 A. Right.

14 Q. What about Francis Demayo, do you remember



15 him?

16 A. Armand's dead.

17 Q. What about Francis Demayo?

18 A. Never came to the dump.

19 Q. What kind of materials did Armand Demayo

20 bring to the dump, to the burning dump from

21 Balfour?

22 MR. SINGER: Objection.

23 A. I would say mostly wood material.

24 Q. What else was in the shipments besides

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1 wood material?

2 A. He didn't dump anything that he could

3 sell.

4 Q. But what else was in the material besides

5 the wood to your recollection?

6 A. When I saw him at the site or where I saw

7 him where he was -- where I was unloading my

8 cardboard? Where would you say? Are we talking

9 at the dump? At the dump.

10 Q. At the burning dump. Yes.

11 A. Okay. He unloaded only wood.

12 Q. Did he unload other materials at other

13 locations to your knowledge?

14 A. Recycled. Salvage, I'm sorry.

15 Q. And that was at places other than the

16 burning dump.

17 A. Right.

18 Q. Do you know an individual named Dave

19 Burnett?

20 A. No. Oh, Burnett.

21 Q. Do you know if Mr. David, Dave Burnett was

22 a driver for Balfour?

23 A. Does he have one tooth?

24 Q. I hope he doesn't just have one tooth, but

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1 I actually don't know the answer to that question.

2 A. What did he do?

3 Q. I can't -- I can't say. It's a question

4 of whether you remember him or not. And if you

5 remember whether this gentleman was a driver for

6 Balfour.

7 A. The name doesn't ring a bell. The name  
8 doesn't ring a bell.

9 Q. Thank you.

10 I'm going to turn my attention now,  
11 Mr. Dumont, to a company called Leach & Garner. I  
12 think we've talked a little bit about them  
13 already. What kind of company was Leach & Garner?  
14 What did they do?

15 A. They handled precious metals.

16 Q. Do you remember who were the drivers --  
17 I'm sorry, let me rephrase that question. Did  
18 Leach & Garner haul their own waste to the burning  
19 dump or did they employ other parties to transport  
20 their materials?

21 A. Well, in the early days they brought it in  
22 cardboard barrels, but in later years they hired  
23 contractors.

24 Q. And which contractors would that be?

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1 A. I don't remember.

2 Q. Did L.W. Fontaine haul waste to the  
3 burning dump from jewelry companies?

4 A. He hauled a lot of waste, but that went  
5 into the Shpack dump. Well, in early years -- in  
6 earlier years until 1950 or so he dumped into the  
7 Attleboro dump.

8 Q. Did Mr. Fontaine take materials from the  
9 jewelry companies during that early period when he  
10 disposed of at the Attleboro dump?

11 A. Which Mr. Fontaine are you talking, sir?

12 Q. L.W. Fontaine, I'm sorry.

13 A. Well, L.W. Fontaine and the -- in other  
14 words, the old man owned the business for years  
15 way back in ancient days.

16 Q. You know, you're right. My question isn't  
17 a very good one. Let me give it another try.

18 Did Fontaine have a company?

19 A. Yes.

20 Q. Let's talk about his company as opposed to  
21 the individuals.

22 A. Okay.

23 Q. Did Fontaine, the company --

24 A. Yes.



1           Q. -- transport waste from jewelry companies  
2   to the Attleboro Landfill in the time period  
3   around 1950 as you mentioned before?

4           A. '46.

5           Q. '46.

6           A. Oh, yeah. He was a big businessman.

7           Q. Did Fontaine, and again we're talking  
8   about the company.

9           A. Yes.

10          Q. Transport materials from jewelry companies  
11   to the Shpack landfill?

12          A. They hauled a lot of loads. I have no  
13   idea what -- where he was picking it up.

14          Q. So Fontaine, the company, used the Shpack  
15   site as a disposal facility, but you're not sure  
16   whether there was jewelry waste in there?

17          A. Right.

18          Q. Did Leach & Garner use the services of  
19   Goditt & Boyer to transport their materials?

20          A. I don't believe so, but I have no record

21 of where rubbish was coming from.

22 Q. Did you ever see materials from Leach &  
23 Garner that contained vacuum stuff or other  
24 metallic materials in the waste from Leach &

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1 Garner?

2 A. No.

3 Q. Mr. Dumont, I'm going to turn my attention  
4 to the Robbins Company for a moment. I'm going to  
5 show you a letter, just again to refresh your  
6 recollection. It's a two-page letter dated April  
7 14th, 1987 and it is from Deming E. Sherman to  
8 William F. Cass, who was the director of the  
9 Division of Hazardous Waste from the Massachusetts  
10 Department of Environmental Quality Engineering,  
11 and there's a reference to you in here and I just  
12 wanted to show this to you and ask you a question  
13 to see if this refreshes your recollection. So  
14 I'm going to give you this document, one for  
15 counsel.

16 MR. LEIFER: I don't know if you guys  
17 want to see this. But here's extra copies. If  
18 anybody wants to see this, here is extra copies.  
19 MS. O'BRIEN: For the record, I just  
20 object to the use of a document to refresh  
21 recollection, when you haven't asked a question  
22 that Mr. Dumont has indicated he doesn't have a  
23 memory of.  
24 Q. Mr. Dumont, you should feel free to take

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1 time to read the whole letter, but I will tell you  
2 that I'm going to ask you about one paragraph on  
3 the second page. And the paragraph is the one  
4 towards the bottom that says the only relevant  
5 information.  
6 MR. LEIFER: For the benefit of the  
7 attendees at this deposition I'm just going to  
8 read the two sentences into the record. The  
9 paragraph that I'm interested in says, "The only  
10 relevant information Robbins has is that Mr. Al  
11 Dumont, owner of the Peckham Street site, recently

12 told an employee of Robbins that prior to the  
13 applicable manifest requirements some drums of  
14 Robbins' waste, hydrolic oil" -- hydraulic  
15 misspelled -- "and empty acid bottles were  
16 disposed of at the Peckham Street site. Robbins  
17 has found no records to support this statement and  
18 is unable to verify the accuracy of this  
19 information at this time."

20 And my question for you, Mr. Dumont,  
21 is a simple one, do you recall making this  
22 statement?

23 A. No.

24 Q. Is it your understanding that -- well, let

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1 me back up and ask a preparatory question. Is it  
2 your understanding that the Peckham Street site  
3 refers to the burning dump?

4 MS. O'BRIEN: Objection.

5 Q. You can answer.

6 A. I don't remember saying that to anybody.



7 Q. Did you ever hear the term Peckham Street  
8 site ever before?

9 A. Yes.

10 Q. What is your understanding of the property  
11 to which that term refers?

12 A. The Peckham Street dump.

13 Q. And is the Peckham Street dump the same  
14 thing as the Attleboro Landfill?

15 A. No.

16 Q. Is it the same thing as the burning dump?

17 A. Well, you had -- you had the Attleboro  
18 burning dump, you had the Attleboro city landfill.  
19 You had ALI, Attleboro Landfill, Incorporated.

20 Q. And which --

21 A. It would be in '81, right? It would be  
22 Attleboro Landfill, Incorporated would be in 1981.  
23 And I said this in 1981?

24 Q. Mr. Dumont, let me see if I can clarify

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1 that. I didn't say anything about 1981. I was  
2 just telling you the date of this letter, which

3 was 1987. And let me ask my question again.

4 A. That's the manifest. Okay.

5 Q. You named a lot of different facilities  
6 just now and I'm just trying to understand because  
7 you know this much better than I, which facility  
8 does the Peckham Street site refer to.

9 MS. O'BRIEN: Objection.

10 Q. You can answer.

11 A. It refers to the Attleboro dump.

12 Q. Did Robbins send waste hydraulic oil to  
13 the burning dump?

14 A. Not that I remember of.

15 Q. Did Robbins send waste hydraulic oil to  
16 the Shpack dump?

17 A. Not that I know of.

18 Q. Did Robbins send empty acid bottles to  
19 either the burning dump or the Shpack dump?

20 A. Not that I recall.

21 Q. Did Robbins haul their own waste to the  
22 burning dump or did they use a third party?

23 A. They hauled their own rubbish for years.

24 Q. Was it -- did they use their own trucks?



1 A. Yes.

2 Q. Do you know a gentleman named Carl  
3 Ardinolfi?

4 A. No.

5 Q. A-R-D-I-N-O-L-F-I?

6 A. No.

7 Q. Do you know a company called Thomas &  
8 Betts?

9 A. Rings a bell.

10 Q. What business is Thomas & Betts in or were  
11 they in during the time that the burning dump was  
12 operating?

13 A. I remember breaking up boxes, but I can't  
14 remember what they did.

15 Q. Are you familiar with a company called  
16 Augat?

17 A. Yes.

18 Q. And what business is or was Augat in?

19 A. They were the first one to make solid  
20 state.

21 Q. Did they make printed circuit boards?

22 A. Yes.

23 Q. Did Augat send any waste to the burning  
24 dump?

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1 A. I remember breaking up boxes, but...

2 Q. From Augat?

3 A. Yes.

4 Q. You've heard of a company called the  
5 Marathon Company?

6 A. Yes.

7 Q. What business was the Marathon Company in?

8 A. Jewelry.

9 Q. Did the Marathon Company send waste to the  
10 burning dump that contained vacuum stuff or other  
11 metallic wastes from the jewelry industry?

12 A. They could have.

13 Q. Did Marathon use Glines & Rhodes to  
14 transport their waste?

15 A. No. Not -- not that I know of.

16 Q. Have you heard of a company called, I  
17 think you've testified to this already, Guyot

18 Brothers, G-U-Y-O-T?

19 A. Guyot. Yes.

20 Q. What business was Guyot in?

21 A. They're still in business. I have no  
22 idea.

23 Q. Did Guyot Brothers send waste materials to  
24 the burning dump that contained vacuum stuff or

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1 other metallic materials from the jewelry  
2 business?

3 A. I have no idea. I broke up cardboard  
4 boxes from that company, but I don't recall  
5 anything like that.

6 Q. Thank you.

7 Did Guyot Brothers use Goditt & Boyer  
8 to transport their wastes to the burning dump?

9 A. Did they have Goditt & Boyer, you say?

10 Q. Yes. The question was --

11 A. No. Not that I know of.

12 Q. I'm going to ask you to look back at the

13 prior deposition again and in particular, I'm  
14 going to refer you to page 50 and I'm going to ask  
15 you to look at lines 16 to 23. 16 to 23 on page  
16 50. Have you had a chance to take a look at that?

17 A. Yes.

18 Q. I think you testified before about the  
19 tongue area, as that term is used.

20 A. Yep.

21 Q. And that there were materials from  
22 Thompson Chemicals that were disposed of in the  
23 tongue area, is that correct?

24 A. Thompson Chemical, right.

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1 Q. Did Findry, Handy & Harman and Glines &  
2 Rhodes dispose of heavy metals on top of the  
3 Thompson materials in the tongue area of it?

4 A. That should be Attleboro Refinery, not  
5 Findry.

6 Q. Let's rephrase the question.

7 A. No, but it's a misprint there.

8 Q. Thank you for that -- that does help me,

9 and let me ask the question then with your  
10 correction. Did Attleboro Refining, Handy &  
11 Harman and Glines & Rhodes dispose of heavy metals  
12 on top of the Thompson Chemical materials in the  
13 tongue area?

14 A. I don't know if Glines & Rhodes was in  
15 business at the time, but Attleboro Refinery and  
16 Handy & Harman, I was only told that it was -- the  
17 sludge was heavy metals. That's secondhand  
18 information.

19 Q. So there was sludge that was disposed of  
20 on top of the Thompson Chemicals materials?

21 A. Right.

22 Q. And do you -- who told you that the sludge  
23 contained metals?

24 A. Most likely it had to be some truck

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1 driver.

2 Q. Did you see any metallic pieces in the  
3 sludge?

4 A. No.

5 Q. What business was Larson Tool in?

6 A. Made oil filters, sleeves and fire  
7 extinguishers.

8 Q. I'm sorry, I didn't hear the first couple  
9 of words. Would you say that again?

10 A. They made containers for oil filters and  
11 sleeves for -- sleeves for oil filters and sleeves  
12 for fire extinguishers.

13 Q. And were those metal parts?

14 A. Just metal parts.

15 Q. Did Larson Tool use Goditt & Boyer to  
16 transport its wastes to the burning dump?

17 A. Not that I believe so. No. I have no  
18 idea.

19 Q. Did material coming to the burning dump  
20 from Larson Tool contain metal dust or pieces of  
21 any kind?

22 A. As far as I can remember they only brought  
23 pallets.

24 Q. Bear with me, Mr. Dumont, as I shuffle a



1     few more papers. I'm getting towards the end and  
2     I just need to organize my thoughts.

3                 Did you ever hear of a company called  
4     Foster Metal Products?

5             A. Yes.

6             Q. Did Foster Metal Products dispose of  
7     materials at the burning dump?

8             A. Yes.

9             Q. Did they also dispose of materials at the  
10    Shpack dump?

11            A. That I couldn't tell you. See,  
12    customers -- customers change from one -- one  
13    business to another, you know.

14            Q. The customers would use the burning dump  
15    sometimes and the Shpack dump at other times?

16            A. Well, there was only certain customers,  
17    but they would change -- they could hire you today  
18    and you're too expensive, they will get somebody  
19    else with a little dump truck or whatever.

20            Q. So certain kinds of companies -- I'm  
21    sorry. Let me start again. Certain kinds of  
22    customers would switch between the burning dump  
23    and the Shpack dump?

24 A. Right.

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1 Q. Was Larson -- I'm sorry, was Foster  
2 Metals -- Foster Metal Products one of those  
3 companies?

4 A. I remember breaking up cardboard boxes  
5 from Foster Metals, but for how long I don't  
6 remember.

7 Q. Was Foster Metal one of the companies that  
8 would switch from using the burning dump to the  
9 Shpack dump?

10 A. I have no idea.

11 Q. What materials other than cardboard did  
12 Foster Metal transport to the burning dump?

13 A. I remember picking up filings.

14 Q. Metal filings?

15 A. No.

16 Q. Oh, filings, meaning paper?

17 A. Paper filings.

18 Q. Was there any metal materials in the waste

19 that Foster Metal disposed of at the burning dump?

20 A. Not that I can remember.

21 Q. I'm now going to shift to another company,  
22 Automatic Machine. Do you know a driver named  
23 Henry Leighton?

24 A. All I remember is a man -- an older man

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1 smoking a pipe. That's all I can remember.

2 Q. And that older man smoking a pipe was the  
3 driver for Automatic Machine?

4 A. Yes.

5 Q. When you picture what he brought to the  
6 site, can you describe the materials that he would  
7 bring to the burning dump?

8 A. He dumped over in the Shpack dump.

9 Q. I'm sorry. My mistake.

10 So this fellow with the pipe, he took  
11 Automatic Machine materials to the Shpack dump.

12 A. Right.

13 Q. And what materials were contained in the  
14 shipments that went to the Shpack dump?

15           A. Well, on a daily basis they dumped the  
16    same thing that they used to dump in my place  
17    years back.

18           Q. Did that include --

19           A. You didn't see it. Once they didn't dump  
20    in the Attleboro dump anymore then you would not  
21    see it when it went into -- it was sawdust.

22           Q. Was some of the sawdust soaked in oil?

23           A. Well, when it was dumped in the Attleboro  
24    burning dump, but when it went over there --

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1           Q. You didn't see it.

2           A. Right.

3                   MS. O'BRIEN: We need to take a quick  
4    break.

5                   (A recess was taken.)

6           Q. Mr. Dumont, we're back on the record.  
7    Thanks for your patience. I do have a few more  
8    questions, but hopefully can finish up pretty  
9    soon.

10 Are you familiar with a company called

11 R.F. Simmons?

12 A. Yes.

13 Q. What business is R.F. Simmons in?

14 A. They were in the jewelry business.

15 Q. Did they send waste to the burning dump?

16 A. Yes.

17 Q. Did they also send waste to the Shpack  
18 dump?

19 A. I really couldn't tell you.

20 Q. Who transported R.F. Simmons' wastes to  
21 the burning dump?

22 A. Well, at one time when I was working up  
23 the salvage and material they were bringing it in  
24 their own truck.

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1 Q. Did they later use a third party  
2 transporter?

3 A. Somebody. Yes.

4 Q. Did the waste from R.F. Simmons contain  
5 vacuum stuff or other metallic materials from the

6 jewelry business?

7 A. Not that I remember.

8 Q. What wastes do you remember being  
9 contained in the shipments from R.F. Simmons?

10 A. Material that I salvaged.

11 Q. Any material besides paper material?

12 A. No.

13 Q. Was the paper coated with anything?

14 A. No.

15 Q. I believe you testified that material from  
16 either Carol Cable and/or General Cable was  
17 disposed of at the burning dump, is that correct?

18 A. Pallets. That's all I can remember.

19 Q. Do you remember seeing any plastic  
20 extrusion material?

21 A. No.

22 Q. Do you know what business General Cable  
23 was in?

24 A. No.

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1 Q. How about Carol Cable?

2 A. Well, Carol Cable they -- they had a few  
3 booster cables in a load, but, you know, maybe two  
4 or three, but what business they were in, I don't  
5 know. It had to be something to do with --

6 Q. Cables.

7 A. -- cables. Somehow or other.

8 Q. So occasionally there were metallic cables  
9 in the --

10 A. Only once I saw that.

11 Q. You saw metallic cables in a shipment from  
12 Carol Cable or from General Cable?

13 A. Don't remember now.

14 Q. Was there PVC scrap in the material  
15 shipped to the burning dump by either Carol or  
16 General Cable?

17 A. No.

18 Q. Was there any copper wire in those  
19 shipments?

20 A. No.

21 Q. What color was the metal cables that you  
22 saw that one time?

23 A. Red and blue.

24 Q. They were red cables and blue cables?



1 A. No.

2 Q. The cables were both red and blue?

3 A. No.

4 Q. Okay. I'm sorry. Can you explain that to  
5 me, please.

6 A. One color of each.

7 Q. I see. So there was a cable that was red  
8 and a cable that was blue?

9 A. Right. With clamps on the end.

10 Q. I may have asked you this, but who brought  
11 Carol Cable's waste to the site?

12 A. It came in by trailer truck.

13 Q. Was the trailer truck a -- owned by the  
14 generator of the waste or someone else?

15 A. I don't remember noticing it.

16 Q. Were there aerosol cans at the burning  
17 dump?

18 A. Aerosol. Well, there was -- there was,  
19 you know, always stuff like that was being burned,  
20 you know.



21 Q. And did the aerosol cans occasionally  
22 explode?

23 A. Yes.

24 Q. What company sent the aerosol cans to the

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1 burning dump?

2 A. Well, there was a few that came from  
3 Puritan Aerosol.

4 Q. Do you remember other companies besides  
5 Puritan Aerosol that sent aerosol cans to the  
6 burning dump?

7 A. I remember seeing them, you know, they  
8 came in with the regular rubbish. Came in with  
9 your household rubbish. Once in a while a few  
10 bullets would go off.

11 Q. A few bullets --

12 A. Yeah.

13 Q. -- that came in with the household  
14 rubbish?

15 A. Yes.

16 Q. I guess that was pretty exciting.

17 A. You'd hide once in a while.

18 Q. Very wise.

19 I'm going to ask you to take a look  
20 back at the prior deposition just for a couple of  
21 lines, starting on page 42. Only one company  
22 after this one and I will be done. I'm looking at  
23 the bottom of page 42 and I'm looking at lines 23  
24 to 25 and the first couple of lines on the next

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1 page. Is it your current recollection that  
2 Sisalkraft used to bring -- well, actually, let me  
3 back up and ask a clarifying question.

4 You see the reference there to 50 ad  
5 roll-offs and 30 ad roll-offs? This is on the  
6 bottom of page 42.

7 A. Yeah.

8 Q. What does that mean?

9 A. Well, no, I don't think you had -- I don't  
10 believe you had three -- there was two 50 yarders  
11 and one 30 yarder every day.

12 Q. So that a-d means -- it's supposed to be  
13 y-d, right?

14 A. Where are we here now? It says three 50  
15 yard --

16 Q. Go ahead.

17 A. This says you have three 50 yards.  
18 Actually, two.

19 Q. Is it your recollection that Sisalkraft  
20 used to bring three 50-yard roll-offs and one  
21 30-yard roll-off every day, six days a week to the  
22 burning dump?

23 A. I think we're -- no. I think I screwed up  
24 on that there. Because I don't believe there was

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1 roll-offs back in that time. Oh, maybe there was.  
2 That was 19 -- to '64. Yeah. All right.  
3 Probably in the three-year period.

4 Q. So during that three-year period it's your  
5 current recollection that Sisalkraft used to bring  
6 three 50-yard roll-offs and one 30-yard?

7 A. Two 50 yarders.  
8 Q. Two 50 yarders?  
9 A. It was my mistake.  
10 Q. And one 30 yarder six days a week?  
11 A. Five days a week maybe.  
12 Q. Maybe five days a week. Okay. Do you  
13 know Roger LaBonte or LaBonte?  
14 A. No.  
15 Q. Do you know Norman St. Pierre?  
16 A. I got a cousin by the name of Norman St.  
17 Pierre.  
18 Q. Was he a driver for St. Regis or Forti  
19 Fiber?  
20 A. No. He blew up in Thompson Chemical.  
21 Q. Do you remember any of the names of the  
22 drivers for St. Regis or Fortifiber?  
23 A. No.  
24 Q. One more company and I'm done. Thank you

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1 for your patience.

2 I'm going to ask you to look at page

3 34 for a second. A couple of lines there. And  
4 I'm looking at line six to eight.

5 A. Yes.

6 Q. Is it your current recollection that  
7 various companies were bringing decreasing  
8 solvents, lacquer thinners and heavy metals to the  
9 burning dump?

10 A. I saw barrels, you know, when I'd come in  
11 in the morning or wherever and off and on there  
12 was barrels.

13 Q. Is it your understanding that those  
14 barrels contained decreasing solvents, lacquer  
15 thinners and heavy metals?

16 A. Yeah. I used to blow up the lacquer  
17 thinner and I emptied out barrels that had  
18 decreasing solvents in. Took the bunks off.

19 Q. Was Swank one of the companies that  
20 brought these materials to the burning dump?

21 A. Well, Swank was dumping in the Shpack  
22 dump.

23 Q. In the Shpack dump?

24 A. Right.



1           Q. Were these materials, the decreasing  
2     solvents, lacquer thinners and heavy metals being  
3     deposited by Swank in the Shpack dump?

4           A. I have no idea. I saw barrels. I think  
5     you'll find I testified that I saw barrels in  
6     trucks, but I never saw anybody dumping them other  
7     than that one time.

8           Q. Were the barrels 55-gallon drums?

9           A. Yes. But they could've been empty.  
10    Could've been full.

11          Q. What kind of business was Swank in?

12          A. Jewelry.

13          Q. Did Swank ever take materials to the  
14    burning dump?

15          A. Yes.

16          Q. Was there ever an occasion in which you  
17    saw sludge in the materials that were taken by  
18    Swank to the burning dump?

19          A. Not that I know of.

20          Q. Did you ever see any watch dials that were  
21    taken or watches that were disposed of at the

22 burning dump or the Shpack dump?

23 A. No.

24 Q. Are you familiar with watches that have

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1 radium dials?

2 A. No.

3 Q. Do you know of anyone who disposed of  
4 radium at the Shpack dump?

5 A. No.

6 MR. LEIFER: Mr. Dumont, thank you for  
7 your patience and for answering my questions. I  
8 have no more questions.

9 A. Thank you.

10 (A luncheon recess was taken.)

11 EXAMINATION BY MR. OAKES:

12 Q. Hello, Mr. Dumont. My name is Matthew  
13 Oakes, and I work for the Environmental Defense  
14 section of the Department of U.S. Justice, and I  
15 represent the United States. And I just have a  
16 few questions for you today.

17 You testified yesterday that people

18 from the Nike site disposed of what appeared to be  
19 paint once a year or so. Is that correct?

20 A. Something like that. Yeah.

21 Q. And this happened between the years of  
22 1956 and 1965?

23 A. Yes.

24 Q. So to the best of your memory the Nike

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1 site disposed of waste at your burning dump  
2 roughly a total of about ten times, is that  
3 correct?

4 A. Maybe once a year. Yeah. Maybe not --  
5 you know, maybe not every year, but they came in.

6 Q. What kind of containers held the paint?

7 A. They were like a -- they were like a  
8 grayish. An Army color.

9 Q. Okay. Was there any writing on the  
10 containers?

11 A. There was, but I never paid any attention.

12 Q. When they disposed of waste from the



13 containers, did they leave the containers  
14 themselves?

15 A. Yes.

16 Q. How many -- what kind of vehicle did they  
17 use to bring the containers to the burning dump?

18 A. It was one of those, like you would say,  
19 two-ton truck or, you know, a regular -- regular  
20 Army truck.

21 Q. Was it just one truck?

22 A. Yes.

23 Q. Was there any writing on the truck?

24 A. I don't believe so. Might have been

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1 numbers. Didn't pay attention to any name or  
2 anything.

3 Q. How many containers did they typically  
4 bring when they --

5 A. Not that many. They had wooden pallets  
6 and I don't think -- maybe half a dozen  
7 five-gallon buckets. Not that much.

8 Q. Was it typically five-gallon buckets that

9 they brought?

10 A. Yes.

11 Q. And it was typically about a half a dozen  
12 five-gallon buckets?

13 A. At the most, yeah.

14 Q. Did you recognize the drivers?

15 A. No.

16 Q. Did you ever have any discussions with the  
17 drivers?

18 A. No.

19 Q. How did you know that the drivers were  
20 coming from the Nike base in Rehoboth?

21 A. Well, there's only two places they would  
22 come from, would be Nike or Pine Street Armory in  
23 Attleboro, and I knew it wasn't Pine Street Armory  
24 in Attleboro.

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1 Q. How did you know they were coming from the  
2 Army?

3 A. Well, just by the looks of the trucks and

4 uniforms.

5 Q. Do you remember what the uniforms looked  
6 like?

7 A. Just regular Army uniforms.

8 Q. Do you remember what color they were?

9 A. They were that -- not the khaki. The  
10 other color.

11 Q. Kind of a green color?

12 A. Green color. Dull. Yeah.

13 Q. Did you send the paint from the Nike base  
14 to the back of the dump?

15 A. No.

16 Q. I'm also going to ask you a few questions  
17 about the United States Army Reserve Training  
18 Center. You said that they dumped waste from  
19 about '57 to '65, is that correct?

20 A. On which one now?

21 Q. On the burning dump.

22 A. Yeah, but which site? There was three  
23 sites in the course of so many years, you know.  
24 You had John Williams Street, you had Pine Street

1 Armory. You had Nike site, Rehoboth. Whereabouts  
2 are you talking?

3 Q. I'm talking about the U.S. Army Reserve  
4 training center that you discussed briefly  
5 yesterday.

6 A. I believe they only threw away pallets.  
7 John Williams Street, but I don't know what year.

8 Q. Okay. Do you remember how often they  
9 threw away pallets?

10 A. Not very often.

11 Q. Do you remember what kind of vehicle they  
12 used when they were delivering the pallets?

13 A. I don't believe it was -- the men weren't  
14 in Army uniform, but I believe they had the Army  
15 truck.

16 Q. And that's how you knew they were from the  
17 reserve training center?

18 A. Well, I took it for granted. I saw the  
19 truck before because it was in my backyard.  
20 That's where I used to live.

21 Q. And you just now mentioned that there were  
22 three sites, the reserve training center, the Nike  
23 base and Rehoboth and you mentioned one other

24 site?

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1 A. Pine Street Armory, yes.

2 Q. What was the tail end of that, Pine Street  
3 Army?

4 A. Armory.

5 Q. Did the Pine Street Armory ever dump at  
6 the burning dump, bring waste to the burning dump?

7 A. I don't remember. I don't remember.

8 Q. So to the best of your memory they -- you  
9 just don't remember whether they did or did not?

10 A. Right.

11 Q. Were there any people who would come to  
12 visit you at the burning dump with any regularity?

13 A. The mayor.

14 Q. Anyone just to visit you personally? Any  
15 friends who would come by once a week or  
16 occasionally?

17 A. No.

18 Q. Did anyone else come down to the burning

19 dump to salvage?

20 A. No.

21 Q. It was just you?

22 A. Well, when I would leave, a lot of times  
23 people would come in and steal, yeah.

24 Q. But no one that you know.

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1 A. Well, different ones you had arrested and  
2 different things.

3 Q. Was there anyone else who was at the  
4 burning dump with enough regularity that they  
5 would be familiar with the comings and goings of  
6 the people dumping at the site?

7 A. No.

8 MR. OAKES: I have no further  
9 questions.

10 MR. SHERMAN: My name is Richard  
11 Sherman, and I'm representing Leach & Garner, but  
12 before I commence my cross-examination, I would  
13 like the EPA to confirm that they have concluded  
14 their direct examination of this witness.

15 MS. CHANG: I have concluded, yes.

16 MR. SHERMAN: And is there any other  
17 lawyer who's going to be examining this witness on  
18 a direct examination basis on behalf of EPA other  
19 than you?

20 MS. CHANG: No.

21 MR. SHERMAN: Thank you.

22 EXAMINATION BY MR. SHERMAN:

23 Q. Good afternoon, Mr. Dumont.

24 A. Yes.

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1 Q. I intend to be brief.

2 I want to ask you some questions about  
3 your testimony yesterday concerning Leach &  
4 Garner. You testified yesterday, as I recall,  
5 that between 1956 and 1965 that Leach & Garner  
6 disposed of at the burning dump location cardboard  
7 barrels of paper with paper products in them. Is  
8 that a correct statement?

9 A. Right.

10 Q. I believe you said in the course of your  
11 direct testimony that they disposed of a quote,  
12 "little bit," unquote of paper. What did you mean  
13 by that in terms of quantity?

14 A. Oh, barrels of -- barrels of your filings.  
15 Your office paper?

16 Q. Yeah.

17 A. Boxes. Boxes, office papers. Filings you  
18 use in your everyday operation.

19 Q. Can you describe the cardboard boxes in  
20 which this paper was contained that you observed  
21 on the site as being disposed of by Leach &  
22 Garner.

23 A. No. They didn't dispose of the barrels.  
24 They emptied the barrels. It was Tony, I believe

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1 still works for Leach today.

2 Q. So is it correct that they came onto your  
3 site, they took these barrels of paper, they  
4 emptied the paper onto your site, they took the  
5 barrels with them and then they left.



6 A. Right.

7 Q. Now, how much of the paper that they  
8 disposed of at your site as described was salvaged  
9 by you?

10 A. Well, at times, you know, you got a  
11 quarter of a cent a pound for office paper. I'd  
12 barrel it up, I'd take it to North Attleboro and  
13 sell it.

14 Q. And the balance of the paper that you did  
15 not salvage, what happened to that?

16 A. Burnt it.

17 Q. You testified this morning on  
18 cross-examination that you never saw any metallic  
19 waste or vacuum products in any of the Leach &  
20 Garner waste that was disposed of at the site, is  
21 that correct?

22 A. That's right.

23 Q. And so the only waste disposed of that you  
24 observed at the site disposed of by Leach & Garner

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1 was office paper or comparable paper products, is  
2 that right?

3 A. Right.

4 MR. SHERMAN: I have no further  
5 questions. Thank you very much.

6 EXAMINATION BY MR. STRATTON:

7 Q. Good afternoon, Mr. Dumont. My name is  
8 Seth Stratton. I represent International Paper,  
9 and I as well am going to be very brief today.

10 I just want to clarify for the record,  
11 is it your understanding that American Sisalkraft  
12 is a division of St. Regis Paper Company?

13 A. Is that who owns it now, International  
14 Paper?

15 Q. No. I'm just -- when we're referring  
16 through the deposition yesterday and today to  
17 American Sisalkraft --

18 A. Right.

19 Q. -- and St. Regis Paper, is it your  
20 understanding that those are the same company?

21 A. St. Regis?

22 Q. And Sisalkraft.

23 A. Sisalkraft. The way I understand it, yes.

24 Q. Okay. I just wanted to clarify that for



1 the record.

2 And you just said a few minutes ago  
3 that you recycled office paper, correct?

4 A. Right.

5 Q. You'd get how much per pound?

6 A. Quarter of a cent.

7 Q. Quarter of a cent per pound. But you  
8 didn't -- generally didn't recycle any of the  
9 paper from Sisalkraft, only a few pieces of  
10 cardboard you testified before?

11 A. That's it. Yes.

12 Q. So the rest of it you burned?

13 A. Yes.

14 Q. And you testified earlier that there was  
15 often a lot of black smoke from the Sisalkraft  
16 loads?

17 A. Yeah.

18 Q. And it took sometimes a little longer to  
19 burn those loads because they were dense. You  
20 said that yesterday, is that correct?

21           A. Yes. As time went on compacted loads in  
22 anything took longer to burn.

23           Q. But it all -- it all burned?

24           A. Yes.

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1           Q. A little while ago before lunch you made  
2 reference to -- you actually corrected testimony  
3 from a previous deposition where it said there was  
4 three 50-yard roll-offs daily. You said your  
5 recollection is that one 20-yard roll-off and two  
6 50-yard roll-offs daily came to the dump.  
7 Correct?

8           MR. LEIFER: Objection. Misstates.

9           MS. O'BRIEN: That wasn't the  
10 testimony.

11          A. Two 50 yarders and one 30.

12          Q. Oh, 30. I'm sorry. So one 30 yarder and  
13 two 50-yard roll-offs?

14          A. Right.

15          Q. Per day. And a roll-off is a type of

16 truck?

17 A. Yes.

18 Q. And you stated that the roll-offs began  
19 coming in daily in 1964 about?

20 MS. O'BRIEN: Objection.

21 A. I could be wrong.

22 MS. O'BRIEN: I'm not sure that was  
23 the testimony either.

24 Q. Do you recall when the roll-offs began

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1 coming daily?

2 A. I remember them coming in, but I could be  
3 mistaken when it comes to dates.

4 Q. Do you have a general idea when they  
5 started coming on a daily basis?

6 A. I think I testified somewhere around '61  
7 or 2 or something like that, didn't I?

8 Q. Okay.

9 And they continued to come until the  
10 burning dump closed in '65.

11 A. Right.

12 Q. And was there a time prior to the -- you  
13 testified -- you testified yesterday I believe  
14 that sometimes Sisalkraft would come every day,  
15 sometimes every three or four days. Was that  
16 prior to the use of the 30-yard and 50-yard trucks  
17 coming daily?

18 A. Say that again. I'm kind of losing here.

19 Q. Sorry.

20 Did American Sisalkraft always send  
21 its loads in 20-yard -- I'm sorry, 30-yard and  
22 50-yard roll-offs or did it -- prior to having  
23 those trucks did it send it on a different -- in a  
24 different way?

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1 A. Yes.

2 MS. O'BRIEN: I object to the form.  
3 Compound question, but as long as you understand  
4 what he's asking.

5 A. Yes. It could've been. I can't remember  
6 when the roll-offs started. It did come in in

7 another type of a truck.

8 Q. As far as you recall, did Sisalkraft  
9 always come every day or was there sometimes where  
10 it came less than daily?

11 MS. O'BRIEN: Object to the form.

12 A. When they first started --

13 MS. O'BRIEN: No, no, no. I was just  
14 objecting to the way he asked the question. Go  
15 ahead.

16 A. When they first started, it was, you know,  
17 small containers.

18 Q. And they first started I believe you  
19 testified in about 1960 yesterday.

20 A. Somewhere along the way, yeah.

21 Q. And you stated that you burned everything.  
22 Correct?

23 A. Yes.

24 Q. And where did you burn the loads from

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1 Sisalkraft on the burning dump?

2 A. Well, it could've been right here at the

3 road. It could've been way back here. Depends on  
4 when -- the dump got pushed -- every week the dump  
5 got pushed. So you started off at the beginning  
6 of the week back here and when it came Saturday,  
7 it was way down here.

8 Q. You mentioned a little bit earlier that  
9 you directed some companies to go out back --

10 A. Right.

11 Q. -- with liquids and sludge and things like  
12 that, is that accurate?

13 A. Sludge. Yeah. Yeah. Right.

14 Q. Did you generally direct Sisalkraft to  
15 dump its loads out back or --

16 A. No.

17 Q. No.

18 A. Wherever the dumping area was, that's  
19 where it was dumped.

20 MR. STRATTON: That's all I have.

21 Thank you very much.

22 EXAMINATION BY MR. COBURN:

23 Q. Good afternoon, Mr. Dumont. My name is  
24 Scott Coburn and I'm here on behalf of General





1 Cable. I will also be brief.

2           You testified this morning before  
3 lunch that you recall -- you testified earlier  
4 this morning that you recall on one occasion Carol  
5 Cable sending a booster cable to the burning dump,  
6 is that correct?

7           A. Yeah.

8           Q. Did you salvage that --

9           A. Yes.

10          Q. -- booster cable?

11          A. Yes.

12          Q. Yes.

13                 MR. COBURN: Thank you, Mr. Dumont. I  
14 have no further questions.

15                 THE WITNESS: I still have it today.

16                 MR. COBURN: I'm sorry?

17                 THE WITNESS: I still have it today.

18                 MR. COBURN: That's great. Thank you.

19 EXAMINATION BY MS. TEILING:

20           Q. Good afternoon, Mr. Dumont. My name is  
21 Annabel Teiling and I'm an attorney for CCL

22 Industries. I'm going to be asking you some  
23 questions this afternoon.

24 First I'm going to show you what's

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1 been marked as Exhibit 2, which is your 104(e)  
2 responses.

3 A. Who is CCL Industries?

4 Q. I represent Peterson-Puritan, also known  
5 as Puritan Aerosol.

6 At the end of Exhibit 2, Mr. Dumont,  
7 there's a list that's been created stating it's  
8 the list of individuals and entities that brought  
9 waste to the site. It's the last document at the  
10 end of your responses.

11 When did you first begin drafting this  
12 list of companies?

13 A. Probably 14, 15 years ago.

14 Q. And when did you complete the list?

15 A. Four years ago.

16 Q. So sometime in 2001, 2002?

17 A. Somewhere around there.

18 Q. Did anyone help you in responding to the  
19 104(e) requests?

20 A. No.

21 Q. Apart from your attorney?

22 MS. O'BRIEN: Thank you. I was just  
23 going to say there's just a clarification.

24 Q. Apart from your attorney, did anyone help

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1 you in drafting this list?

2 A. No.

3 Q. Did you have any documents to help you in  
4 drafting this list?

5 A. No.

6 Q. So this list was drafted based on your  
7 memory, is that correct?

8 A. More or less.

9 Q. Okay. What do you mean by "more or less"?

10 A. I had a telephone book that I went through  
11 to revise my memory.

12 Q. Okay. So you used the telephone book.

13 Did you use anything else to refresh your  
14 recollection --

15 A. No.

16 Q. -- in drafting this list?

17 A. No.

18 Q. What was your reason for drafting this  
19 list 14 to 15 years ago?

20 A. Because I was told. Attorney --

21 MS. O'BRIEN: Well, I don't want you  
22 disclosing attorney/client information.

23 Q. Anything that's been discussed with your  
24 attorney, I don't want to know. I just want to

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1 know your reason for drafting it.

2 A. Because I was told things are going to  
3 come in the future.

4 Q. And that was done by your attorney, is  
5 that correct?

6 MS. O'BRIEN: I object to the  
7 question.

8 Q. Did anyone apart from your attorney --

9 A. No.

10 Q. -- request that you draft this list --

11 A. No.

12 Q. -- 14 to 15 years ago?

13 A. No.

14 Q. Let me show you what's previously been  
15 marked as Exhibit 7, on May 19th, 2004, which was  
16 your last day of depositions. I'm sorry, I don't  
17 have any copies. Let me show you -- take a look  
18 at this document.

19 MS. CHANG: Is that from the  
20 administrative deposition?

21 MS. TEILING: Yes.

22 MS. O'BRIEN: Is that also included in  
23 the document -- the response that you have before  
24 you, which is Exhibit 2 of this deposition?

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1 MS. TEILING: No. Well, it's  
2 different.

3 MS. O'BRIEN: But I just want to look

4 at this document and see whether it's included  
5 because I thought it was. When I say this  
6 document --

7 MS. TEILING: It's a different --

8 MR. LAST: It's truncated.

9 MS. O'BRIEN: Let me just note for the  
10 record that the document that has been marked as  
11 Exhibit 2 for this deposition is not -- does not  
12 appear to be the entire response to the EPA  
13 information request, however, I'm just noting as  
14 I'm reading it that this is the response -- "this"  
15 being the Exhibit 2 of this deposition, is the  
16 "Response of Albert Dumont to the Request For  
17 Information Pursuant to Section 104(e) of CERCLA  
18 for the Shpack Superfund Site." There was also at  
19 the same time a request and following that a  
20 "Response of Attleboro Landfill, Inc. to a second  
21 Request For Information Pursuant to Section 104(e)  
22 of CERCLA for the Shpack Superfund Site," which  
23 appears to be the document that counsel was just  
24 referring to before. So that's why it's not

1 included in Exhibit 2.

2 MS. TEILING: So those -- if I'm  
3 understanding correctly, these are the answers of  
4 the Attleboro, Inc., is that correct?

5 MS. O'BRIEN: If you look at the  
6 document itself, the heading is "Response of  
7 Attleboro Landfill, Inc. to a Request For  
8 Information Pursuant to Section 104(e) of CERCLA"  
9 and this is a portion of the response. Response  
10 to, as I'm reading the document, request number 10  
11 (b).

12 MS. TEILING: Right.

13 MS. O'BRIEN: So to that extent I  
14 would object to any questions that you may have  
15 with respect to this document because the subject  
16 of this deposition is Mr. Dumont's knowledge of  
17 activities at the Shpack Superfund site.

18 Q. Well, let me just ask you Mr. Dumont, have  
19 you ever seen this list?

20 A. Yes.

21 Q. Do you know who drafted this list?

22 MS. O'BRIEN: For the record, may I  
23 just clarify the list you're referring to is the

24 list that's included as response to request number

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1 19 (b) of the Response of Attleboro Landfill, Inc.  
2 to the 104(e) Request.

3 MS. TEILING: Yes.

4 MS. O'BRIEN: Just want to make sure  
5 the record is clear that we know what we're  
6 talking about here. So your answer was -- I think  
7 your question was had he seen this list before.

8 MS. TEILING: He said yes, and I asked  
9 him --

10 I'm sorry. Could you read the record?  
11 (Last question was read back by the reporter.)

12 Q. Do you know who drafted this list? That  
13 was my last question.

14 A. Yes.

15 Q. Who drafted this list?

16 A. I did.

17 Q. When did you draft this list, if you  
18 remember?



19 A. Ten years ago.

20 Q. And can you tell me the reason for  
21 drafting this list?

22 MS. O'BRIEN: Again I object to this  
23 line of questioning with respect to this list  
24 because it's outside the scope of the deposition.

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1 MS. TEILING: Are you asking him not  
2 to answer?

3 MS. O'BRIEN: I'm putting on the  
4 record the objection, and I guess pursuant to our  
5 stipulation reserving that for some later time.  
6 So you can still answer the question. My  
7 objection is noted.

8 A. What is it?

9 (Last question was read back by the reporter.)

10 A. For the same reason I gave you before,  
11 something is going to come up in the future.

12 Q. And what is this list? If you can tell  
13 me.

14 A. Just accounts that -- after '74. After

15 '75, I'm sorry.

16 Q. And that is with regards to the Attleboro  
17 part of the landfill that does not include the  
18 burning site, is that correct?

19 A. Right.

20 Q. And did you have Puritan Aerosol listed on  
21 that list?

22 A. No.

23 Q. What about Peterson/Puritan?

24 A. No.

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1 Q. Mr. Dumont, did the EPA ever ask you  
2 whether Puritan Aerosol ever had its waste  
3 transported to the burning dump prior to  
4 yesterday's deposition?

5 A. I don't believe so. Maybe they did. I  
6 don't know.

7 Q. Do you remember?

8 A. I don't remember whether they did or not.

9 Q. Do you know a company by the name of

10 Peterson/Puritan?

11 A. Yes.

12 Q. Do you know a company by the name of  
13 Puritan Aerosol?

14 A. I've heard of it.

15 Q. For my next line of questioning, when I  
16 refer to Puritan Aerosol I'm also referring to  
17 Peterson/Puritan. Okay? Do you know where  
18 Puritan Aerosol's plant was located?

19 A. Somewhere in Cumberland, Rhode Island or  
20 Lincoln, Rhode Island or somewhere up there.

21 Q. You testified yesterday that Puritan  
22 Aerosol brought waste to your -- to the burning  
23 dump, is that correct?

24 A. A few loads, yes.

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1 Q. What do you mean by "a few loads"?

2 A. Once in a while there was some cans in the  
3 load.

4 Q. Do you remember when Puritan Aerosol first  
5 brought waste to the site, to the burning dump?

6 A. I can't remember which year.

7 Q. Well, yesterday you testified that Puritan  
8 Aerosol brought waste in 1960. Do you know if  
9 they brought waste in 1960 or do you not remember  
10 or?

11 A. Maybe '65.

12 Q. And I don't --

13 A. Probably in '65.

14 Q. Okay. I don't want you to guess,  
15 Mr. Dumont. Is it now your testimony then that  
16 Puritan Aerosol may have brought waste to your  
17 burning site in 1965?

18 A. Yes.

19 Q. Did Puritan Aerosol brought (sic) any  
20 waste to your burning dump prior to 1965?

21 A. I don't believe so.

22 Q. And again, I'm not -- going to ask you,  
23 Dr. Dumont, not to guess. Do you know or do you  
24 not know? Is it your testimony that they did not?

1 MS. O'BRIEN: I object. He answered  
2 the question that you posed.

3 A. I can't say how many times, but I believe  
4 there was a certain amount in -- in other words,  
5 you probably got 40 or 50 stops in a packer load,  
6 you know. Do you know what a -- do you know what  
7 a packer load is? Do you know what a front end  
8 loader is?

9 Q. No, I don't know. Could you tell me,  
10 please.

11 A. Well, you're talking about a truck that  
12 could probably put 20, 30, 40 stops into one  
13 truckload.

14 Q. Okay. And that was prior to 1965?

15 A. I would say right around 1965 there had to  
16 be a certain amount.

17 Q. Do you know when Puritan Aerosol stopped  
18 bringing waste to the site? To the burning site?

19 A. Well, that had to be the only time, 1965.

20 Q. Right. And that's because after 1965 the  
21 site closed, correct?

22 A. The site then was a landfill.

23 Q. Do you know if Puritan Aerosol ever  
24 brought waste to the Shpack side of the site?



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1 A. No.

2 Q. No, they did not?

3 A. No, they did not.

4 Q. Do you know where the waste of Puritan  
5 Aerosol came from?

6 A. No, I do not.

7 Q. Do you know if it came from its  
8 Cumberland, Rhode Island plant?

9 A. I have no idea.

10 Q. Do you remember the type of waste that was  
11 brought by Puritan Aerosol to the burning dump?

12 A. Just a section of -- a section of cans in  
13 between a load.

14 Q. Yesterday when the EPA asked you that same  
15 question, you said -- you testified that Puritan  
16 Aerosol did not bring cans to the site. Do you  
17 know for sure that Puritan Aerosol brought cans to  
18 the site?

19 A. Well, I did not -- I did not spread a load  
20 open to see where it came from.

21 Q. What do you mean?

22 A. I just took it for granted, but I -- in  
23 other words, when loads like that came in, I would  
24 just throw a match in it because this was too much

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1 to salvage. I had enough other stuff to salvage  
2 without getting into a load that I had to pull  
3 apart.

4 Q. And what do you mean by -- yesterday when  
5 the EPA asked you the same question, you testified  
6 that Puritan Aerosol brought wooden pallets and no  
7 cans. And that's all the waste that they brought.  
8 You're testifying today that there were loads?  
9 What kind of loads?

10 MS. O'BRIEN: I object to the complex  
11 question.

12 A. They brought in pallets. I just took for  
13 granted that those spray cans came from Puritan  
14 Aerosol.

15 Q. What do you mean by taking for granted?

16 I'm not sure I understand you.

17 A. Maybe it was a mistake on my part, but...

18 Q. You're not sure whether the cans came from  
19 Puritan Aerosol?

20 A. I can't prove it, no.

21 Q. So you don't know. They could've come  
22 from residential, is that correct?

23 A. Well --

24 MS. O'BRIEN: Objection.

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1 A. There was more of a volume than coming  
2 from residential. Residential you'd only have two  
3 or three cans in different sections. You might  
4 have had spray paint cans that came from some  
5 stop. You're right, it could be -- it could be  
6 that I'm wrong, you know.

7 Q. So you're not sure.

8 A. I'm not positive.

9 Q. How often did Puritan Aerosol to your  
10 recollection brought (sic) waste to the burning  
11 site?



12           A. Well, it was only towards the end of 65  
13   when all the burning stopped. So that -- if it  
14   was them, it was maybe only the last few months or  
15   a couple months or whatever.

16           Q. So, Mr. Dumont, and I'm sorry if I keep  
17   making -- asking you the same thing, but I just  
18   want to clarify. Those loads you were referring  
19   to, you're not sure whether they came from Puritan  
20   Aerosol, is that correct?

21           A. That's correct.

22           Q. So do you know whether Puritan Aerosol  
23   brought waste to the site or not?

24           A. I would say somewhere along the way there

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1   had to be a little bit in certain loads.

2           Q. And what makes you say that?

3           A. Well, you see the cans blowing up, you  
4   know, but like I say, I can't prove it.

5           Q. And you saw cans blowing up in 1965?

6           A. Yes.

7 Q. Mr. Dumont, are you familiar with the JM  
8 Mills in Cumberland, Rhode Island?

9 A. Yes.

10 Q. Did you ever operate the front gate at JM  
11 Mills?

12 A. No.

13 Q. You testified yesterday and on your  
14 previous testimony both times that a company would  
15 bring its waste to the closest place that they  
16 could dump their waste, is that correct?

17 A. Right.

18 Q. Do you know where JM Mills is located?

19 A. Yes.

20 Q. Where is that located?

21 A. It's in the Town of Cumberland.

22 Q. Do you know if Puritan Aerosol brought its  
23 waste to JM Mills?

24 A. I have no idea.

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1 Q. Mr. Dumont, if Puritan Aerosol was located  
2 in Cumberland, Rhode Island --

3 A. Right.

4 Q. -- does it make sense to you that they  
5 would bring their waste to Cumberland, Rhode  
6 Island?

7 MS. O'BRIEN: Objection.

8 MR. LEIFER: Objection.

9 MS. O'BRIEN: You can still answer.

10 A. Well, you -- you'd have a truck picking up  
11 a stop, he's not going to go dump until his truck  
12 is full. So if he picks up here, he picks up  
13 there, and he picks up five miles down the road or  
14 ten miles down the road, wherever the truck is  
15 full is where he's going to dispose of his waste.  
16 If his truck is full, say he comes out of  
17 Attleboro and heads up towards Cumberland, if  
18 that's the closest place to dump, he's going to  
19 dump there.

20 Q. Do you know whether Puritan Aerosol hauled  
21 its own waste or hired someone else to do so?

22 A. They hired people to do their work.

23 Q. Do you remember who was hauling the waste  
24 for Puritan Aerosol?



1           A. Goditt & Boyer.

2           Q. Did Goditt & Boyer bring their waste to JM  
3       Mills?

4           A. I imagine dumped at different -- wherever  
5       the truck was full he would dump.

6           Q. Do you know whether Goditt & Boyer ever  
7       brought waste for Puritan Aerosol to the burning  
8       dump?

9           A. To my burning dump? Like I told you  
10       before, I can't prove it. I didn't pull the load  
11       apart to see what was in it.

12          Q. So you don't know --

13          A. I didn't see no -- I didn't look to see if  
14       there was addresses or whatever.

15          Q. Okay. So as we sit here today, you have  
16       no recollection as to whether Puritan Aerosol  
17       brought waste to the burning dump, is that  
18       correct?

19          A. Right.

20                 MS. TEILING: I have no further  
21       questions, Mr. Dumont. Thank you very much for

22 your time.

23 EXAMINATION BY MR. AGNELLO:

24 Q. Hi, Mr. Dumont. My name is John Agnello.

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1 I represent Handy & Harman.

2 What years were you in the service?

3 When did you go in and when were you discharged?

4 A. '53 to '55.

5 Q. Do you remember what month in '53?

6 A. February 15th.

7 Q. And when did -- and when did you come out?

8 When were you discharged?

9 A. February 16th, 1955.

10 Q. Between July 1, 1946 and when you entered

11 the service in February of 1953, how often were

12 you working at the burning dump?

13 A. Two months.

14 Q. Just the two months in '46?

15 A. Right.

16 Q. And that was July and August of '46?

17 A. July, August and the first of September.

18 Q. You've testified a number of times in the  
19 past two days that customers, if you would, using  
20 the burning dump moved over to the Shpack dump  
21 when he opened up his operation. What were the  
22 economics that drove that? Why were people going  
23 to the Shpack dump as opposed to the burning dump?

24 MS. O'BRIEN: Objection. Go ahead.

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1 A. He took the customers. The salvage was  
2 profitable.

3 Q. And did the customers receive money from  
4 Shpack for using his dump?

5 A. No.

6 Q. Did he -- what drove the customers away  
7 from the burning dump? In other words, why did  
8 they choose to leave?

9 A. Well, they probably liked him better than  
10 they liked the people that were running it.

11 Q. And both were free, though.

12 A. Both were free.

13 Q. You testified that Shpack -- Mr. Shpack

14 ran the burning dump for a period of time.

15 A. Yes.

16 Q. Is that when he was partners with your

17 uncle?

18 A. No.

19 Q. When did Mr. Shpack run the burning dump?

20 A. He worked there with Uncle Ray for, I

21 don't know, probably three or four years.

22 Q. From when to when?

23 A. Maybe '49 to '51 or '49 to '52 or so.

24 Q. Would've been '49 until he opened up the

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1 Shpack dump?

2 A. He opened up somewhere around 1950, right?

3 Q. That's what you had said.

4 A. Yeah.

5 Q. Did he still work at the burning dump or

6 operate the burning dump when?

7 A. His dump was the burning dump.

8 Q. Right. But did he work at the Attleboro,

9 Dumont burning dump after he opened up --  
10 A. No.  
11 Q. -- his own?  
12 A. No.  
13 Q. But he did work before he opened up his  
14 own dump at the Dumont burning dump?  
15 A. Right.  
16 Q. And when he worked at the Dumont burning  
17 dump, was he partners with your uncle doing that?  
18 A. Yes.  
19 Q. And that was their business together  
20 operating that dump?  
21 A. Salvage.  
22 Q. Salvage.  
23 A. Yes.  
24 Q. And your father, during the period of time

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1 that your uncle and Mr. Shpack were partners, did  
2 not work at the burning dump, he worked the farm.  
3 A. Worked the farm.



4 Q. And then there came some point in time  
5 that your father operated the burning dump?

6 A. He had to because he had nobody left.

7 Q. And do you remember when that was? I know  
8 you said he passed away in '54. So I'm thinking  
9 it was before that, right?

10 A. It was that year. That year, 1954.

11 Q. So it was only in 1954 that he actually  
12 operated the burning dump?

13 A. Yes.

14 Q. And then immediately prior to your father  
15 operating the burning dump, who was operating it?

16 A. My aunt.

17 Q. What did your uncle do when Shpack opened  
18 up his own dump?

19 A. He went to work in -- was it TI then? He  
20 went to work -- Metals & Controls.

21 Q. And you testified that your aunt also  
22 worked the burning dump after your father --

23 A. Yes.

24 Q. -- passed away?

1 A. Yes.

2 Q. Until you took over the operation?

3 A. In '56.

4 Q. So she worked the burning dump from '54 to  
5 '56 when you took over, is that accurate?

6 A. I took over at the end of -- the end of  
7 '56.

8 Q. And there was no one else other than your  
9 aunt from the period of '54 to '56 that operated  
10 the burning dump.

11 A. Right.

12 Q. And I think you testified earlier that  
13 when you got back from the service you were  
14 working at a dairy?

15 A. Saloise (phonetic) Dairy in Pawtucket.

16 Q. And did you work at the dairy up until the  
17 time that you started operating the burning dump  
18 again?

19 A. No. I went to work in General Findings.

20 Q. And any other place that you worked before  
21 you started running the burning dump again in '56?

22 A. Well, I worked there for six months, then  
23 I went back to work in Saloise Dairy.

24 Q. So it was those two places that you worked

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1 after the service --

2 A. Right.

3 Q. -- and prior to you operating the burning  
4 dump.

5 A. Right.

6 Q. Now, you testified -- you testified  
7 yesterday that the City of Attleboro brought  
8 liquids -- -- liquid waste to the burning dump, is  
9 that true?

10 A. Yes. When they were cleaning up their  
11 highway yard, they would bring barrels of material  
12 to the dump.

13 Q. It would be barrels of liquid material,  
14 correct?

15 A. Yes. Well, I don't know about liquid.  
16 Sometimes a lot of them were solid. Solid  
17 asphalt.

18 Q. Any liquids? I'm just trying to clarify

19 because you said it yesterday and I want to just  
20 clarify it.

21 A. Yeah. I would say there was a certain  
22 amount of oil, but a lot of the barrels were  
23 asphalt.

24 Q. So the liquid that you referred to with

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1 respect to the City of Attleboro would've been  
2 oil?

3 A. Yeah. And asphalt. It would not run  
4 unless you heated it up.

5 MR. AGNELLO: Ms. O'Brien, could you  
6 pull out Exhibit 2.

7 Q. Turn to page -- if you would, Mr. Dumont,  
8 turn to page four. Paragraph 0. Do you have it,  
9 Mr. Dumont?

10 A. Yes.

11 Q. You indicate at the end of paragraph 0  
12 there was Attleboro Refinery and Handy & Harman  
13 waste hauled by Regional Construction Co. of  
14 Seekonk, Massachusetts. Do you see that?

- 15           A. Yes.
- 16           Q. Who was the owner of Regional Construction
- 17   Co.?
- 18           A. I have no idea.
- 19           Q. Did you know any of the drivers of
- 20   Regional Construction Company?
- 21           A. No.
- 22           Q. What Attleboro Refining were Handy &
- 23   Harman waste are you referring to that Regional
- 24   Construction hauled?

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- 1           A. East Street.
- 2           Q. And East Street then would've been a
- 3   sludge?
- 4           A. The lagoons, yeah.
- 5           Q. How many times did Regional Construction
- 6   Company haul the sludge from the lagoons?
- 7           A. Into this site?
- 8           Q. Into this site. In the burning dump.
- 9           A. Until '65.

10 Q. And how many individual times?

11 A. '65. Well, it took a number of days. It  
12 took a number of days.

13 Q. Right. Because there was a number of  
14 trucks with the sludge.

15 A. Right. It was a gradual clean-up.

16 Q. And the trucks that you're speaking of  
17 were like ten-wheel dump trucks?

18 A. No. I believe they were all six-wheelers.

19 Q. And a six-wheeler has a capacity of what?

20 A. Could be ten-wheelers, but if I remember  
21 correctly, they were six-wheelers.

22 Q. And how many cubic yards is a six-wheeler?

23 A. I don't think you'd put more than five  
24 yards because this would slush around and be on

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1 the road.

2 Q. It was like pudding?

3 A. Pudding.

4 Q. So assuming it was six-wheel trucks and  
5 five-yard loads, and it took two or three days to

6 complete one cleaning of a lagoon, is that pretty  
7 much accurate?

8 A. I'd say.

9 Q. And the first time that you recall the  
10 sludge coming into the burning dump was in what  
11 year?

12 A. When I first started.

13 Q. Was it sludge when you first started?

14 A. Not sludge, no --

15 Q. Let's just talk about the sludge.

16 A. -- just liquid.

17 Q. You had testified in May of '04 that your  
18 recollection was that the first sludge loads were  
19 after the Thompson Chemical debris had been  
20 dumped.

21 A. The sludge?

22 Q. Right.

23 A. Yes.

24 Q. Because the sludge went, you said --

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1 A. On top.

2 Q. -- on top of it, right?

3 A. Yes.

4 Q. And the Thompson Chemical explosion was in

5 January of 1964.

6 A. 3. '63 or '64.

7 Q. The transcript says '64.

8 A. Okay.

9 Q. So then the sludge that you're talking

10 about would've been post 1964. January of 1964.

11 Correct?

12 A. Well, they hauled Thompson Chemical all

13 through the winter and it was summertime before

14 they finished.

15 Q. Summer before they finished hauling --

16 A. Thompson.

17 Q. -- Thompson debris, correct?

18 A. Yeah. So it had to be after.

19 Q. And that would've been through the winter

20 and into the summer of 1964. Right?

21 A. It would have to.

22 Q. And then the sludge came after that.

23 Correct?

24 A. Right.





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1 Q. And --

2 A. That was -- I had asked Mr. Shpack if they  
3 could dump it on his property because if they  
4 dumped it on mine, I would be working in it all  
5 the time. In other words, a bulldozer couldn't --

6 Q. Move the pudding?

7 A. If the bulldozer went into the pudding, he  
8 would stay there.

9 Q. Did you ever -- withdraw that.

10 So when you pointed the trucks to go  
11 to the back to dump the sludge on top of the  
12 Thompson debris, it would've been on your burning  
13 dump's property or on the Shpack burning dump  
14 property or both?

15 A. That's a good question. I'm not sure  
16 which entrance they used. Whether they used both  
17 of them or whether they used my entrance.

18 Q. You --

19 A. I would say that -- I would say it came in  
20 from the Shpack side, but I am not positive.

21 Because there was no room.

22 Q. You can't say with certainty --

23 A. I remember the Shpack -- the Thompson

24 Chemical material came in through the Shpack site

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1 because there was no room to come in through my

2 side. But I'm not positive when it came to the

3 refinery sludge.

4 Q. You're not sure what entrance was used, is  
5 that what you're saying?

6 A. No, I'm not sure.

7 Q. The burning dump was closed in 1965,  
8 correct?

9 A. Yes.

10 Q. In what month, do you recall?

11 A. Had to be during the summertime.

12 Q. And when did the Shpack's operation close  
13 down, do you know?

14 A. Well, it was right around the same time.

15 Maybe a month or two after.

16 Q. Shpack was a month or two after your dump,  
17 correct?

18 A. I'd say.

19 Q. How did you know it was a Regional  
20 Construction Company that was hauling the sludge?

21 A. The trucks were lettered.

22 Q. On the side, the doors?

23 A. Yes.

24 Q. You testified on several occasions over

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1 the last two days that garages in the vicinity  
2 used the burning dump to dispose their waste.  
3 Accurate?

4 A. Yes.

5 Q. And as part of the waste that they  
6 disposed were there car and truck batteries?

7 A. Yes.

8 Q. Did you salvage those or did those?

9 A. The ones that I could see.

10 Q. And what would you say the number of  
11 batteries that you would get in a year would be?

12           A. Not too many because people would go  
13     around and collect batteries at garages. So I  
14     don't believe you got more than -- I got none out  
15     of the city packer because the men would salvage  
16     everything out of the city packers. I don't think  
17     you'd get more than, let's say, four or five a  
18     week maybe.

19           Q. When the dumping -- when the burning dump  
20     was closed in '65 -- withdraw that. Would you  
21     look at Exhibit 1. When the burning dump was  
22     closed in '65 --

23           A. Yes.

24           Q. -- what was the relative elevation of the

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1     burning dump to the area on Exhibit 1 that's in  
2     yellow?

3           A. In '65?

4           Q. Right.

5           A. This was ground level.

6           Q. Was the burning dump higher or lower than

7 the area that's in yellow?

8 A. Oh, much higher.

9 Q. And how much higher would you say?

10 A. Well, when the city's excavator was  
11 working down there, if you looked down, 30 feet.

12 Q. So if you stood --

13 A. Plus.

14 Q. So if you stood on the burning dump and  
15 looked over to the area that's in yellow on  
16 Exhibit 1, you would be about 30 plus feet higher  
17 standing on the burning dump.

18 A. If you were standing on the burning dump  
19 and looked down, yes.

20 Q. You testified earlier that Mr. Brask was  
21 your partner in Attleboro Landfill, Inc.?

22 A. Yes.

23 Q. Are you equal partners?

24 A. No.

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1 Q. Who owns what? What's the percentage of  
2 ownership?

3 MS. O'BRIEN: Objection. Time frame?

4 Q. Good question. When it was formed in  
5 1975.

6 A. Yes.

7 Q. What was the -- who owned what percent of  
8 the corporation?

9 A. Well, we were three partners.

10 Q. And who was the third?

11 A. Mr. Dorrence.

12 Q. D-O-R-R-E-N-C-E?

13 A. Yes.

14 Q. And you're equal one-third, one-third,  
15 one-third?

16 A. Yes.

17 Q. And did that change from then until today?

18 MS. O'BRIEN: I object --

19 A. Yes.

20 MS. O'BRIEN: -- to the line of  
21 questioning. This is about the Attleboro  
22 Landfill, Inc. ownership.

23 Q. And how did it change?

24 MS. O'BRIEN: You may still answer.



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1 I'm just noting my objection for the record.

2 A. Well, one partner died.

3 Q. And that was not you.

4 A. No.

5 Q. That's a follow-up to the father question.

6 A. But there's ladies around so I don't want  
7 to say how he died.

8 Q. And I didn't hear who you said died.

9 Which one died?

10 A. Mr. Dorrence.

11 Q. And as a result of his death did you  
12 become equal partners with Mr. Brask?

13 A. Yes.

14 Q. And you continued to be equal partners  
15 with Mr. Brask today?

16 A. No.

17 Q. Does Attleboro Landfill, Inc. exist today?

18 A. Yes.

19 Q. And who is the owner or owners?

20 A. Me.

21 Q. A hundred percent?

22 A. A hundred percent.

23 Q. And how did you come to acquire the  
24 hundred percent interest?

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1 A. We got in a big argument.

2 Q. And he lost. Or maybe you lost.

3 A. Right.

4 Q. There was an argument and as a result his  
5 shares were transferred to you?

6 A. Right.

7 MS. O'BRIEN: I object to this line of  
8 questioning and I would instruct him not to answer  
9 this line of questioning with respect to ALI  
10 because it's not relevant to the operations of the  
11 Shpack Superfund site.

12 MR. AGNELLO: I'm going to move.

13 Q. Would you look at Exhibit 6.

14 A. Yes.

15 Q. Who hired New England Testing Laboratory?

16 A. Mr. Brask.

17 Q. Did he hire them on behalf of Attleboro



18 Landfill, Inc.?

19 A. Yes.

20 MS. O'BRIEN: Objection.

21 Q. Is Mr. Brask the same Mr. Brask from

22 Goditt & Boyer, by the way?

23 A. Yes.

24 Q. And did he continue to be part of Goditt &

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1 Boyer when he joined or became a part owner of

2 Attleboro Landfill, Inc. in 1975?

3 A. Yes.

4 Q. And is Goditt & Boyer still in business

5 today?

6 A. No.

7 Q. You testified earlier today that between

8 the years of 1966 and 1970 there was burning of

9 wood --

10 A. Yes.

11 Q. -- on the burning dump portion of the

12 entire site. Is that accurate?

13 A. Yeah.

14 Q. And then subsequent to saying that you  
15 then said nothing was placed on the burning dump  
16 after '65. I took that to mean nothing with the  
17 exception of the wood burning, is that true?

18 A. Right.

19 Q. And you also said that there was a  
20 restriction because of the power line easement,  
21 that you couldn't go under it except for farming.  
22 Is that accurate? Is that what you testified to?

23 A. Yes.

24 Q. How did the burning of wood gibe with the

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1 restriction?

2 A. It was further over.

3 Q. Further over towards the Shpack property?

4 A. No. Towards the --

5 Q. Sanitary landfill?

6 A. Right.

7 Q. And when were the power lines erected?

8 A. '63 -- started in '63 and then

9 eventually -- eventually it was the last set.

10 Q. Okay. So when did they go into use? When  
11 was the erection completed?

12 A. Maybe '65, '66. I just can't quite  
13 remember.

14 Q. And the '63 date that you said for the  
15 start of the erection, was that the start of the  
16 erection of the towers on your property?

17 A. Shpack.

18 Q. On Shpack property.

19 A. The town line.

20 Q. Are any -- any part of the towers on the  
21 burning dump property?

22 A. No.

23 Q. They're all on the Shpack property?

24 A. No. There's your power lines. Power

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1 lines go down like this.

2 Q. So the towers which are on the burning  
3 dump property were started in '63, is that

4 accurate?

5 A. No.

6 Q. Okay. When were the towers that are on  
7 the burning dump property started?

8 A. Many years later. I just can't remember  
9 when it was.

10 Q. After the close of the burning dump?

11 A. Yeah. Yeah. They had to be because you  
12 couldn't -- I can't remember which set blew so...

13 Q. I was just going to the issue of something  
14 blew, right?

15 A. Right.

16 Q. I was looking -- I was going to look for  
17 that exhibit. As you sit here today, your  
18 recollection is the part that blew was not on the  
19 burning dump property, is that what you're saying?

20 A. Yes.

21 Q. But if the lines were operational at the  
22 time that they blew, wouldn't the towers on your  
23 property have had to have been in existence and  
24 completed?

1           A. Probably. Yeah.

2           Q. So that means that at some point when the  
3       burning dump was operating, the towers had been  
4       erected and were live, the wires were live, right?

5           A. I don't know if they were live or if it  
6       was the other set that blew. I just can't -- I  
7       just can't remember which was which.

8           Q. When you say "the other set," are there  
9       two sets of transmission lines?

10          A. There's three sets of three. No, there's  
11       more than that. Three, six -- nine wires to each  
12       set and there's three sets.

13          Q. And where do the three sets run? If you  
14       could show me on Exhibit 1.

15          A. Started from there.

16          Q. And that would go over to the Shpack  
17       property, right?

18          A. Right.

19          Q. So as you -- as you sit here, is it your  
20       recollection that the burning dump was  
21       operating --

22          A. Until '65.

23          Q. -- after the third set of towers --

24 A. Right.

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1 Q. -- were erected?

2 A. Right.

3 Q. Was that a violation of this restriction  
4 that you can't do anything but farming?

5 MS. O'BRIEN: Objection.

6 A. They kept on letting me burn.

7 Q. So they gave you permission to do that  
8 irrespective of the restriction.

9 A. Right.

10 Q. You also testified earlier that the  
11 burning dump material was used by the city --

12 A. Right.

13 Q. -- as fill for the sanitary landfill.  
14 Correct?

15 A. Partial.

16 Q. Partial fill.

17 A. Right.

18 Q. So that means fill came from other places

19 too, correct?

20 A. No. They excavated all of my property.

21 Q. They excavated -- the property that they  
22 were using for the sanitary landfill used some of  
23 the excavated material for fill and also used  
24 material from the burning dump.

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1 A. The ashes.

2 Q. For fill.

3 A. Yes.

4 Q. After explaining that earlier in your  
5 testimony, you then said after '65 nothing moved  
6 from the burning dump. Again nothing moved from  
7 the burning dump except whatever was used for fill  
8 at the landfill. Is that accurate?

9 A. Well, the place closed for a year.

10 Q. And when you say "the place closed for a  
11 year," you mean the burning dump?

12 A. The whole property.

13 Q. So for the year between '65 and '66 --

14 A. Right.

15 Q. -- nothing was going on at the burning  
16 dump.

17 A. Well, it was bulldozing. We were covering  
18 it over with dirt.

19 Q. Where did that dirt come from?

20 A. That was under contract from Regional --  
21 not Regional. No. Regional was the one that  
22 brought the mud. It was a company from Tremont  
23 Street in Rehoboth.

24 Q. And the fill that came in was from

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1 offsite, it wasn't from your other property?

2 A. Not yet, no.

3 Q. You testified earlier today that certain  
4 customers would switch back and forth between the  
5 burning dump and the Shpack dump. Any reason for  
6 that that you know of?

7 A. Well, the only one was Swank's is because  
8 I knew the driver in the afternoon.

9 Q. And you got him to come to your property



10 in the afternoon?

11 A. No. He just came because he knew me and  
12 he was the afternoon driver.

13 Q. And Swank had material that you could  
14 salvage?

15 A. I would only save the cardboard boxes from  
16 all the cans of soup that they supplied employees  
17 with. There was nothing else but paper.

18 Q. What about soup cans?

19 A. Pardon?

20 Q. Did you do the soup cans too? Did you  
21 salvage those?

22 A. Well, after they burnt. We used to fill  
23 the truck with cans.

24 Q. When you testified earlier today about

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1 Sisalkraft and you talked about the two 50-yard  
2 roll-offs and the one 30-yard roll-off, you said  
3 it was during a three-year period. What  
4 three-year period was it?

5 A. I'm not sure, you know, I'm not sure

6 whether it was in the front end loaders or in the  
7 roll-offs. I did testify that it was somewhere  
8 between '6' -- I don't know, 2 and '65. I don't  
9 know. Somewhere in there. '61 and '63. But when  
10 Sisalkraft first started dumping, it came in in a  
11 front end loader. It wasn't in roll-offs. But  
12 what the dates are -- I can't -- I can't specify  
13 it.

14 Q. But your recollection it was a three-year  
15 period, you just don't know when it started and  
16 when it ended, is that correct?

17 A. I would say.

18 Q. You also testified earlier that it was  
19 only on one occasion that you actually saw barrels  
20 being dumped and that one occasion, as I  
21 understood it from your testimony, was the  
22 Engelhard incident?

23 A. Yes.

24 Q. During the period from 1966 to 1970, did

1 Attleboro Refining sludge go to the sanitary  
2 landfill?

3 A. Tell me the dates again.

4 Q. '66 to '70.

5 A. Not right away. Not right away.

6 Q. At any period of time during the years --

7 A. Yes. Wait a minute. That's right. Yes.

8 The city used it for cover on the bankings.

9 Q. Do you know how many times sludge from  
10 Attleboro Refining, during that period, 1966 to  
11 1970, went into the landfill?

12 A. Once or twice.

13 Q. Did you work at the landfill during the  
14 period of time of 1966 to 1975?

15 A. Yes.

16 Q. But I think you testified you weren't an  
17 employee, is that accurate?

18 A. Right.

19 Q. Did you on occasion direct people as to  
20 where they should dump whatever particular  
21 material they had?

22 A. I backed them up and salvaged. That was  
23 my only job. They had a city employee with city  
24 equipment that took care of the compaction and the



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1 cover?

2 Q. Did the city employee also direct the  
3 people where to go? In other words, you know,  
4 take this truckload to the back, to the left.  
5 Take this truckload to the right. Was that the  
6 city employee who did that or did you do that?

7 MS. O'BRIEN: Object to the complex  
8 question. You can answer. If you understand.

9 A. I told them where to back up.

10 Q. Yesterday you talked about a company by  
11 the name of Montrose.

12 A. Yes.

13 Q. And you indicated that Montrose dumped  
14 mud --

15 A. Yes.

16 Q. -- in the burning dump, correct?

17 A. Yes.

18 Q. Did you say there was another name for  
19 Montrose? Another company name?

20 A. No. That was before them.

21 Q. And what was Montrose's business?

22 A. Paint, shellac and varnish.

23 Q. Were they a manufacturer?

24 A. Yes.

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1 Q. And they were located in Attleboro?

2 A. Yes.

3 Q. And how was -- how was their mud hauled?

4 A. How was it? It was -- it was tighter than  
5 your mud.

6 Q. Was it in a dump truck?

7 A. Yes.

8 Q. And what size dump truck?

9 A. It had high sides. It was, you know,  
10 single axle dump truck.

11 Q. What was the -- what would you estimate  
12 the quantity of the truck to be, capacity?

13 A. Five yards a day.

14 Q. And how often did they dump that material?

15 A. Every morning.

16 Q. For what period of time?  
17 A. They probably started in -- probably  
18 started '58, '59.  
19 Q. Right through '65?  
20 A. Yes. The start is not a positive time,  
21 but I'm just --  
22 Q. Estimating that?  
23 A. -- estimating.  
24 Q. And was it Montrose's own dump truck or

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1 was there a hauler?  
2 A. Their own dump truck.  
3 Q. Did you know the driver?  
4 A. There was a number of drivers.  
5 Q. Did you know any of them?  
6 A. I talked to them, but I never knew who  
7 they were.  
8 Q. So if I asked you to give me names, you  
9 wouldn't know them?  
10 A. I wouldn't know the names, no.  
11 Q. Would you look at Exhibit 2, which is your

12 response to 104(e). And if you would flip to the  
13 back where there's a copy of the lease between you  
14 and the city. Looks like that.

15 MS. O'BRIEN: In the back or in the  
16 middle?

17 MR. AGNELLO: I'm calling it the back.

18 MS. O'BRIEN: It's just before the  
19 list.

20 Q. It's just before the list. Before this  
21 lease your father had a lease with the city, is  
22 that accurate?

23 A. Ten years.

24 Q. And that was \$1200 a year?

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1 A. Yes.

2 Q. And in this lease provided for --

3 A. No. No. The lease was not -- the lease  
4 was a liability agreement. It was not a financial  
5 thing. It was a separate contract for that.

6 Q. There was a separate contract that set

7       forth what the city would pay you for using your  
8       property as the burning dump.

9           A. Right.

10          Q. And how much did they pay you?

11                 MS. O'BRIEN: I'm sorry, what time  
12       frame?

13          Q. Let's start with 1956.

14          A. \$2400 a year.

15          Q. And what period of time did they pay you  
16       \$2400 a year?

17          A. For three years.

18          Q. And then did the amount they paid you  
19       change?

20          A. Yeah. I got an increase of another  
21       thousand I guess or so for another three years or  
22       so.

23          Q. And then did it change again?

24          A. Yeah. I got a slight increase every two

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1       or three years.

2          Q. You got a slight increase every two or



3 three years from?

4 A. '56.

5 Q. Up through '65, is that accurate?

6 A. Up to '75.

7 Q. Let's just talk --

8 A. I'm sorry. '66, right.

9 Q. And when -- withdraw that.

10 The last year of operation, the year  
11 '65, last half year of operation, what were they  
12 paying you that year?

13 A. Maybe 3600 or so for the year.

14 Q. And this lease that you have in front of  
15 you, that covered only the burning dump, correct?

16 A. Yes.

17 Q. Were there other written lease agreements  
18 other than the one you have in front of you for  
19 periods of time up through '65?

20 A. Yes. But this is only what I could find.  
21 I had a house fire and I lost a lot of -- all my  
22 contracts and stuff. How many more have you got  
23 on there?

24 Q. A few.



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1 MS. O'BRIEN: Do you want to take a  
2 break?

3 THE WITNESS: Yeah.

4 (A recess was taken.)

5 Q. Mr. Dumont, we're going to go back on the  
6 record.

7 When the Attleboro Refining sludge  
8 went to the sanitary landfill, who was the hauler?

9 A. I don't know if it's the same one or not.

10 Q. Do you know a Walsh Contracting?

11 A. Yeah.

12 Q. Do you recall whether or not Walsh ever  
13 hauled sludge for Attleboro?

14 A. No.

15 MS. O'BRIEN: Just clarification.

16 When you said "for Attleboro," you meant for  
17 Attleboro Refinery.

18 Q. Attleboro Refinery, I'm sorry.

19 A. No.

20 Q. Have you ever spoken to anyone who worked  
21 for Attleboro Refining?

22 A. Yes.

23 Q. And who was that?

24 A. I never knew their names.

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1 Q. What facility?

2 A. East Street.

3 Q. Did you ever speak to anyone who worked at  
4 Union Street?

5 A. I spoke to the truck driver, but I never  
6 knew who he was.

7 Q. And the truck driver you're talking about  
8 the tanker truck?

9 A. Tanker truck was from East Street.

10 Q. I'll come back to that, but which truck  
11 driver? What vehicle was the truck driver who you  
12 spoke to who was employed by Attleboro Refining  
13 driving?

14 A. He was not the one -- he was not the one  
15 that dumped into their incinerator. There was  
16 other guys that dumped in there. But I believe it  
17 was the same truck. But the man that dumped the

18 regular rubbish from Union Street.

19 Q. Is the person that you spoke to?

20 A. Yes.

21 Q. Did you ever speak to anyone who worked --  
22 withdraw that. Did you ever speak to anyone other  
23 than the truck driver who was employed by  
24 Attleboro Refining either at Union Street or East

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1 Street?

2 A. Yes. On East Street.

3 Q. And who was it other than the truck driver  
4 that you spoke to?

5 A. The truck driver on East Street was the  
6 same guys that were running the plant. There was  
7 only three men.

8 Q. Okay. And of the three men --

9 A. Two men would come to the dump.

10 Q. And you spoke to both of them?

11 A. Off and on.

12 Q. Did you ever speak to the person who was

13 in charge of the East Street facility?

14 A. No. Oh, wait a minute. I'm sorry. In  
15 charge of the -- well, there was three men there.  
16 I don't know who was in charge. I don't remember.

17 Q. And you spoke to two of the three?

18 A. I spoke to the three men, but I don't  
19 remember who was in charge.

20 Q. And when you spoke -- withdraw that. At  
21 any time that you spoke to any of the three, did  
22 you speak to them at the East Street facility as  
23 opposed to --

24 A. Yes.

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1 Q. -- at the landfill or the burning dump?

2 A. Both.

3 Q. And what occasioned you to speak to them  
4 at the East Street facility?

5 A. I'd stop in there once in a while.

6 Q. For what purpose?

7 A. I believe -- I believe I was giving them  
8 pallets, if I remember right. Pallets.

9 Q. And when you stopped in there once in a  
10 while, that would've been in the period of time  
11 from when to when?

12 A. Way back. It had to be in the '50s.  
13 Somewhere in the '50s.

14 Q. Late '50s?

15 A. Probably late '50s.

16 Q. Did you ever speak to a gentleman by the  
17 name of Bob Moore?

18 A. I don't know. I know one gentleman is  
19 still living. He picks up bottles on Park Street  
20 from the recyclable bins.

21 Q. Still to this day?

22 A. Yep.

23 Q. What's his name?

24 A. I don't know. You get out there at 6:00

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1 o'clock in the morning you'll see him.

2 Q. And he was the truck driver?

3 A. No. I don't think he ever had a license.

4 Q. But he worked at the East Street facility?

5 A. Yep.

6 Q. Do you know an individual by the name of

7 Al Vaz, V-A-Z?

8 A. Yes.

9 Q. How do you know him?

10 A. He was employed by the city for 12 years.

11 Q. And what was his job?

12 A. Mechanic.

13 Q. And where did he work?

14 A. Highway yard.

15 Q. And did he ever work at either the

16 sanitary landfill or the burning dump?

17 A. He -- I don't believe he ever worked at

18 the dump, but he worked at the landfill.

19 Q. And did he -- did he go to work for Walsh

20 Contracting at some point?

21 A. After 12 years.

22 Q. With the city.

23 A. Right.

24 Q. Do you know an individual by the name of

1 Walter Sarty (phonetic)?

2 A. No.

3 Q. Do you know PJ Walsh?

4 A. PJ. Just died, didn't he?

5 Q. I don't know.

6 A. PJ just died.

7 Q. He just died?

8 A. Yeah.

9 Q. You knew him, though?

10 A. Yes.

11 Q. For how long did you know him?

12 A. PJ. I never had any deals with him. I  
13 met him a few times at some meeting or something,  
14 but I never did any business with him.

15 Q. He was an acquaintance?

16 A. Just an acquaintance, right.

17 Q. Could you tell me all of the entities that  
18 dumped liquid waste of any type at the burning  
19 dump.

20 A. Well, there's -- there's barrels that came  
21 in there all hours of the day and night, but, you  
22 know, I have no idea who they -- it was that  
23 dumped them.



24 Q. How many times have you given deposition

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1 testimony in connection with the burning dump or  
2 the Shpack Superfund site or the sanitary  
3 landfill?

4 THE WITNESS: Just once, right?

5 MS. O'BRIEN: That's all I know of.

6 A. Just once, I guess.

7 Q. Once prior to this session.

8 A. Yes.

9 Q. And that was the one that you've looked at  
10 before dated --

11 A. Right.

12 Q. -- May 19, 2004?

13 A. Right.

14 Q. Have you ever testified in any court  
15 proceeding, actually in court having to do with  
16 the Shpack Superfund site or the burning dump or  
17 the sanitary landfill?

18 A. Yes.

19 Q. And when was that?  
20 A. '78.  
21 Q. And were you a party to that lawsuit?  
22 A. Yes.  
23 Q. And who were the other parties?  
24 A. City of Attleboro, DEP, '77.

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1 Q. Any other parties?  
2 A. No.  
3 Q. And what court did you testify in?  
4 A. Two different ones.  
5 Q. Give me them both.  
6 A. Well, for DEP -- no. It was DEQE then.  
7 That was at Fall River Superior Court.  
8 Q. And who was the plaintiff in that case?  
9 A. Well, it was DEP filed against Attleboro  
10 Landfill.  
11 Q. The DEQE at the time, right?  
12 A. I'm sorry, yeah.  
13 Q. And what was the other court that you  
14 testified in?

15           A. I don't know if it was Fall River or New  
16 Bedford Superior Court, '78.

17           Q. And who was the plaintiff in that case?

18           A. City of Attleboro and against Attleboro  
19 Landfill.

20           Q. Against your company Attleboro Landfill,  
21 Inc., right?

22           A. Inc. Right.

23           Q. I'm going to show you Exhibit 3 for a  
24 moment. There is a picture on the top of page one

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1       of Exhibit 3 and there's a newspaper article on  
2 page five. Is this the same picture?

3           A. Must be. Yes.

4           Q. Do you still have the original scrapbook  
5 that this came from?

6           A. Yeah.

7           Q. Will you look at Exhibit 1 again,  
8 Mr. Dumont. This area on Exhibit 1 which is to  
9 the west -- southwest of the yellow landfill

10 lines, is that where your residence is?

11 A. There used to be a farmhouse here.

12 Q. Is that the area where the barn was also?

13 A. Yes.

14 Q. Was there an area -- withdraw that.

15 After the sanitary landfill commenced  
16 operation, was there a particular area where you  
17 had metal objects dumped?

18 MS. O'BRIEN: Objection. You're  
19 assuming the metal objects were dumped in the  
20 landfill.

21 MR. AGNELLO: Yes.

22 A. Well, yeah. I stored my steel and  
23 everything behind the building here.

24 Q. Is that where it would be dumped or was

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1 that where you stored it after you salvaged it?

2 A. I loaded it on my truck and brought it  
3 over here.

4 Q. After you salvaged it. Is that correct?

5 A. Yes.

6 Q. Could you just write on there "steel" in  
7 that area where you just noted it.

8 A. Must have been -- no. I'm just trying to  
9 figure out. How did they get these, you know --  
10 okay. You had the farmhouse. I don't know where  
11 they're getting all these buildings from.

12 Q. I don't know if these are buildings or  
13 just areas, you know, outlined out, but why don't  
14 you just mark where you believe the steel was  
15 stored.

16 A. Okay. All right.

17 Q. And was there another area where you had  
18 wood stored?

19 A. No.

20 Q. What happened with the wood that came into  
21 the landfill?

22 A. It was burnt over here. There.

23 Q. Two places?

24 A. No. Just one.

1 Q. Do you want to just write "wood burning"  
2 there.

3 Did you mark earlier where the  
4 entrance to the landfill was? I don't know that  
5 you did that or not. Is that where we put 1966?  
6 That was the entrance?

7 A. Yep.

8 Q. Did the City of Attleboro have any  
9 employees who worked at the burning dump?

10 A. Only on Saturday.

11 Q. And that was a bulldozer operator?

12 A. Uh-huh.

13 Q. And did the City of Attleboro have  
14 employees who worked on the -- at the landfill?

15 A. Yes.

16 Q. And how many employees worked at the  
17 landfill?

18 A. One.

19 Q. And was that also a bulldozer operator?

20 A. Yes. Full-time.

21 Q. Who was afraid of fire, right?

22 A. Afraid of -- well --

23 Q. Because you testified if a fire started  
24 you had to get on the bulldozers.



1           A. Certain ones. You had six different  
2 operators.

3           Q. But only one at a time?

4           A. Right.

5           Q. But there were six different people who  
6 did the job?

7           A. And they're all dead now.

8           Q. Did the sanitary landfill start operation  
9 immediately upon the closure of the burning dump?

10          A. No.

11          Q. Where did the customers who used the  
12 burning dump up until the day it closed go in the  
13 interim?

14          A. Behind the Reynolds & Markman there was  
15 swamp. They filled it in there. It was behind  
16 the city yard.

17                 MR. KREIGER: I'm sorry, can you  
18 repeat that whole answer or read it back?

19                 (Last answer was read back by the reporter.)

20          Q. Is that the landfill that you referred to

21 in yesterday's testimony as the landfill in the  
22 center of town?

23 A. Yes.

24 Q. So there was no other landfill in the

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1 center of town. That was the one.

2 A. Yes.

3 Q. Did Montrose take its mud to the landfill  
4 after the burning dump closed?

5 A. Everybody did. Everybody brought their  
6 trash there.

7 Q. And did Montrose take its mud in that  
8 interim period to the Reynolds & Markman location?

9 A. I was not there to witness it.

10 Q. Did you ever work at or have any  
11 responsibility or connection with the landfill  
12 behind the Reynolds & Markman building?

13 A. No.

14 Q. Were you ever inside the Attleboro  
15 Refining Company Union Street facility?



16 A. Yes.

17 Q. How many times were you inside while it  
18 was in operation?

19 A. Yes. Maybe a dozen times.

20 Q. And what were the reasons that you would  
21 have occasion to be inside?

22 A. I would bring them some pallets.

23 Q. So it was the same reason that you had  
24 occasion to be inside the East Street facility,

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1 correct?

2 A. Wait a minute now. That was the only  
3 place I went. Did you mention Union Street?

4 Q. Yes.

5 A. No, I never went to Union Street.

6 Q. Okay. That's what I asked you. I'll ask  
7 you again.

8 Did you ever have occasion to be  
9 inside the Attleboro Refining Company Union Street  
10 facility?

11 A. No.

12 Q. You testified yesterday that there was a  
13 2000-gallon tank at the edge of the road?

14 A. Yes.

15 Q. The 2000-gallon tank that you were  
16 referring to was at the edge of the road --

17 A. Peckham Street.

18 Q. So it wasn't -- it was not an Attleboro  
19 Refining Company 2000-gallon tank that you were  
20 talking about?

21 A. Attleboro Refinery, yes.

22 Q. So let's -- where was this 2000-gallon  
23 tank?

24 A. Right about there.

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1 Q. And you're pointing --

2 A. Right on the edge of the road.

3 Q. Right at the edge of the road, on the  
4 northeasterly side of the or northeasterly corner  
5 of the burning dump.

6 A. Right.

7 Q. And what was that used for?

8 A. I don't know what -- I didn't pay  
9 attention to what they were dumping. I know at  
10 times I saw them dumping flooring, but many of  
11 times they were dumping material in there and, you  
12 know, made a lot of smoke, but what was in there I  
13 don't know. They'd come back at night and shovel  
14 everything out that they had burnt.

15 Q. So this 2000-gallon tank --

16 A. Was an incinerator like.

17 Q. Was an incinerator type of container?

18 A. Right.

19 Q. And it was on the burning dump property?

20 A. Right.

21 Q. But it wasn't the city's and it wasn't  
22 yours.

23 A. No.

24 Q. And the flooring that you talked about,

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1 was that something that happened on a regular  
2 basis or was that just an incident that you

3 remember?

4 A. No. Fairly often.

5 Q. And what type of flooring was it that they  
6 were incinerating?

7 A. Well, it looked like old hardwood floor.  
8 I don't know -- old hardwood floor they would have  
9 in the old buildings.

10 Q. And did that incineration of the flooring  
11 happen in some discrete period of time?

12 A. Every.

13 Q. Because it was a renovation or  
14 construction? Was it, you know, a couple of weeks  
15 or a couple of months that that happened?

16 A. No. They'd come in for a couple of days.  
17 By the end of the evening or the next morning  
18 they'd come and shovel it out.

19 Q. And how many times did you actually see  
20 flooring being put in the incineration container  
21 and then incinerated?

22 A. Well, they used this container maybe two  
23 or three times a week.

24 Q. And other than flooring, anything else go



1 into that container?

2 A. Barrels were dumped in there, but I don't  
3 know what they had. I never paid any attention  
4 because I had to make some money salvaging. You  
5 couldn't be.

6 Q. And was the container -- was there a fire  
7 every day in the container or was it periodic?

8 A. Periodic.

9 Q. When did the -- when was the container  
10 first placed in that northeast corner of the  
11 burning dump?

12 A. I believe it was there when I took over in  
13 '56.

14 Q. And did it continue to be there until the  
15 burning dump closed in '65?

16 A. Pretty close.

17 Q. And was it -- did it continue to be used  
18 up until the closure of the burning dump?

19 A. Somewhere along the way, towards the end  
20 of the burning that came to an end.

21 Q. And was it used exclusively by Attleboro

22 Refining Company?

23 A. Only Attleboro Refining.

24 Q. Was it locked?

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1 A. No.

2 Q. How would you know it was only Attleboro  
3 Refining Company that used it if it wasn't locked?

4 A. Well, while I'm working there I'd see the  
5 trucks come in, but I never saw anybody else use  
6 it.

7 Q. So the only people that you saw use it was  
8 Attleboro Refining, but --

9 A. Right.

10 Q. -- to the extent that someone might have  
11 used it when you weren't there on Sundays or  
12 Saturdays, when it was hot and you went to the  
13 beach, and all those other times you told us  
14 about, could've been used by somebody else, right?

15 A. Could be, but I doubt it. Why should you  
16 use that when you could just throw it out on the  
17 ground anywhere you want?

18 Q. Touché. They were being neat, in other  
19 words.

20 MS. O'BRIEN: Objection.

21 A. Well --

22 Q. They weren't throwing it on the ground,  
23 they were putting it in a container, correct?

24 A. I remember cleaning up the whole place

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1 like a show piece and all of a sudden an attorney  
2 comes along and starts throwing all his stuff just  
3 inside the gate.

4 Q. No one in this room, I hope?

5 A. He recently just died.

6 Q. You talked about flooring yesterday and  
7 then you talked about slag material that --

8 A. That was different.

9 Q. Okay. And then you also talked about  
10 there was one other thing, a smelter or a  
11 container for smelting.

12 A. No, no. When they dumped the barrels out,

13 you'd have -- they ran furnaces in order to melt  
14 down gold and silver and whatever other material  
15 they handled. Right? So in their furnaces slag  
16 would build up. Did you ever clean your furnace?

17 Q. I can tell you I've never done that.

18 A. Oh, I'm sorry. But --

19 Q. You don't have to be sorry. I just never  
20 did it.

21 A. No. Material builds up in your chambers  
22 and you have to get in there and clean it out. So  
23 that's what they did to keep their ovens  
24 operational.

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1 Q. And the materials that build up are a  
2 result of the combustion process.

3 A. Combustion, yes.

4 Q. So depending on what fuel you're using --

5 A. Right.

6 Q. -- correct? And I presume that at some  
7 point they used to have coal?

8 A. I would imagine.



9 MS. O'BRIEN: Objection.

10 Q. The slag material was transported in what  
11 type of vehicle?

12 A. In their regular truck, 55-gallon drums.

13 Q. And then it was -- and then it was dumped?

14 A. Yes.

15 Q. Other than the slag material and the  
16 flooring material and whatever else was  
17 incinerated, and the sludge, the only other waste  
18 was the tanker waste that you talked about from  
19 Attleboro Refining, is that correct?

20 A. That's right.

21 Q. Do you know which facility, either the  
22 East Street or the Union Street the liquid  
23 material that was in the tanker came from?

24 A. East Street.

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1 Q. And do you know if it was the liquid  
2 material which rose to the top of the settling  
3 lagoons?

4 A. This was before they built the lagoons.

5 Q. The lagoons were built as part of the East  
6 Street facility, correct?

7 MS. O'BRIEN: Objection.

8 Q. You can answer.

9 MS. O'BRIEN: If you know.

10 A. Yeah. To eliminate all this operation.  
11 Yes.

12 Q. So what is your understanding of what the  
13 liquid material was?

14 A. All they told me is after they took the  
15 nickel out this was the residue they had left.

16 Q. And was this residue ultimately the  
17 residue that at some point started to be placed  
18 into lagoons?

19 A. Yes. And they told me that they put lime  
20 in there to make a solid.

21 Q. In the lagoons?

22 A. Yes.

23 Q. How many times did you actually see the  
24 tanker which you said was 500 to 800 gallons --

1           A. Right.

2           Q. -- on the burning dump property?

3           A. I can't remember whether it would be once  
4 a month, once a week. I just don't remember.

5           Q. And how was this material that was in this  
6 tanker off loaded?

7           A. They'd open a big valve and then after it  
8 was emptied, then they'd pass a hoe in there and  
9 maybe just take a little bit of mud out and that  
10 was it. Very little residue left.

11          Q. And you would direct where that should be  
12 placed?

13          A. I'd tell them where to go so that it  
14 wasn't on the ground when I was going to be  
15 walking in it to salvage.

16          Q. Did you ever see the lagoons at the East  
17 Street facility being emptied?

18          A. No, I didn't.

19          Q. When was the first time that you ever saw  
20 any of the liquid from the East Street facility  
21 being disposed of?

22          A. I am not positive, but it seems to me it  
23 was when I first started in '56 -- '56, but don't

24 take my word on it because I don't remember which

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1 year it was.

2 Q. So it was '56 or after?

3 A. Right.

4 Q. And the liquid that was disposed of --  
5 withdraw that.

6 MR. AGNELLO: That's all I have,  
7 Mr. Dumont. Thank you.

8 EXAMINATION BY MS. MIGNONE:

9 Q. Hi, Mr. Dumont. My name is Karen Mignone,  
10 and I represent Thomas & Betts.

11 Earlier today you said that you  
12 remembered the Augat facility. Do you remember  
13 where the Augat facility was located?

14 A. Augat.

15 Q. Augat.

16 A. Prairie Avenue.

17 Q. Do you know if any Augat waste from  
18 Prairie Avenue came to the dump?

- 19 A. Yes.
- 20 Q. What material from Augat came to the dump?
- 21 A. Paper.
- 22 Q. Do you know how it got to the dump?
- 23 A. Cardboard.
- 24 Q. I'm sorry. Paper and cardboard?

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- 1 A. In a van.
- 2 Q. Whose van?
- 3 A. Their own.
- 4 Q. Do you know who drove it?
- 5 A. No. But it was the same guy.
- 6 Q. Do you know approximately what years?
- 7 A. It was in the '60s.
- 8 Q. Do you know if it was one year, two years?
- 9 A. I remember at least a couple years.
- 10 Q. Did you ever go to the Prairie Avenue
- 11 facility?
- 12 A. No.
- 13 Q. Were you able to salvage material from
- 14 what Augat dumped?

15           A. Little cardboard and papers that were  
16 supposed to be burnt.

17           MS. MIGNONE: I have nothing further.  
18 Thank you.

19           MS. O'BRIEN: Can we go off the record  
20 for a second.

21           (A discussion was held off the record.)

22 EXAMINATION BY MR. JEDELE:

23           Q. Mr. Dumont, my name is Brett Jedele, and I  
24 represent Teknor Apex. I just want to ask you a

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1       few questions related to Thompson Chemical.

2           A. Yes.

3           Q. You had testified yesterday, I believe,  
4 that Thompson Chemical disposed of the debris from  
5 the fire in 1962?

6           A. I probably don't have my year just right.  
7 According to someone that said '63.

8           Q. Okay. I think you testified today that it  
9 was actually in January of '64. Does that sound

10 correct?

11 A. I don't think it was that far down the  
12 line. I always had in my head it was '62, but it  
13 was probably '63. I don't know. But it's  
14 somewhere in that neighborhood.

15 Q. And was it your testimony that Thompson  
16 Chemical, to your knowledge, only disposed at the  
17 burning dump as a result of that fire?

18 A. No.

19 Q. Okay. How often did Thompson Chemical  
20 dispose of waste at the burning dump?

21 A. Are you talking about the explosion or are  
22 you talking on the weekly basis?

23 Q. On a weekly basis.

24 A. Well, I really couldn't tell you. I might

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1 have seen -- in other words, they had a rubbish  
2 company pick up the rubbish, right, with a front  
3 end loader. So that -- you know, I couldn't tell  
4 you how often because when the packer came in,  
5 they probably picked up a hundred containers

6 before they came to the dump. So I really  
7 couldn't tell you how often.

8 Q. And of the 100 containers, were those all  
9 Thompson Chemical containers?

10 A. Oh, no, no, no. Probably a hundred  
11 different stops. Probably only one container from  
12 your plant.

13 Q. Okay. And how could you identify Thompson  
14 Chemical containers that would come in this way?

15 A. Couldn't really.

16 Q. Okay. So then are you certain that  
17 Thompson Chemical disposed of containers other  
18 than the disposal that came from the fire?

19 A. Well, I've seen, you know, I saw some bags  
20 and different stuff when you tried to salvage.  
21 There was a small amount of rubbish coming from  
22 Thompson Chemical.

23 Q. Okay. And do you recall what that rubbish  
24 consisted of?



1           A. All paper and cardboard and empty -- empty  
2     bags.

3           Q. What type of bags are you referring to?

4           A. That you would probably put some -- like a  
5     big hundred-pound sugar bag or something like that  
6     out of paper.

7           Q. So it's your recollection that Thompson  
8     Chemical disposed of mainly paper products, empty  
9     bags and rubbish other than what they disposed as  
10    a result of the fire and explosion.

11          A. Right.

12          Q. In terms of that -- I'm going to turn to  
13    the fire and explosion and ask you what is it that  
14    you recall that Thompson Chemical disposed as a  
15    result of that fire and explosion?

16          A. You had two different contractors. You  
17    had Capanelli (phonetic) and Cardi who were  
18    cleaning out the warehouse and you Gamino  
19    (phonetic) cleaning out the boiler room and cement  
20    products and stuff. Cement blocks and stuff.

21          Q. And do you recall what type of waste came  
22    out of the boiler room?

23          A. That was all cement blocks and steel.

24          Q. And do you recall what other type of waste



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1 was disposed at the burning dump other than the  
2 steel and the cement blocks?

3 A. Well, we were still burning then. So the  
4 warehouse could not be dumped on my property  
5 because I had no other area. Everything was fire.  
6 So I went to the old man next door, put the tail  
7 between my legs and asked him for a favor. If  
8 these trucks could dump in there, with the  
9 agreement that every so many loads Thompson  
10 Chemical would bring loads of dirt to cover.

11 Q. Okay.

12 A. It was white powder and hoses.

13 Q. White powder and hoses?

14 A. Steel beams. Cement -- one piece of  
15 cement to the whole truck. Huge operation.

16 Q. Do you remember anything specific about  
17 the white powder?

18 A. No.

19 Q. Do you know what it was?

20 A. Whatever it was I didn't want it where we

21 had to burn and dump.

22 Q. Did it have any particular odor?

23 A. Not that I noticed.

24 Q. But you don't know exactly what it was.

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1 A. No.

2 Q. Do you remember what -- strike that.

3 What color was it?

4 A. White.

5 Q. Was it just white or was it mixed with any  
6 other type of color?

7 A. You had green hoses in there with it.

8 They told me that it was polyvinyl chloride. Now,  
9 that is only from the health inspector.

10 Q. So --

11 A. He's the one that wanted the material to  
12 come to the dump.

13 Q. And so you heard that it was polyvinyl  
14 chloride from the health inspector?

15 A. Yes.

16 Q. And that was Mr. Harvey?

17 A. No.

18 Q. Who was the health inspector that you  
19 heard that from?

20 A. Jack Bush.

21 Q. Jack Bush.

22 And do you recall who Mr. Bush worked  
23 for?

24 A. City of Attleboro.

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1 Q. Do you recall at the time how Mr. Bush  
2 might have known that it was polyvinyl chloride?

3 A. I have no idea.

4 Q. Fair enough.

5 You mentioned just a second ago that  
6 Thompson Chemical would cover the debris with dirt  
7 every so --

8 A. Every so many loads they brought in a load  
9 of dirt.

10 Q. Do you know how much dirt they were  
11 covering their debris with?

12           A. It was something like one load out of  
13   every dozen loads.

14           Q. And do you know who required that, the  
15   dirt cover portion of that disposal?

16           A. That was an agreement when Mr. Shpack  
17   accepted, you know, allowed that to be dumped.

18           Q. You testified earlier today that sludge  
19   from the Attleboro Refining Company was disposed  
20   on top of the debris that Thompson Chemical  
21   disposed. Do you recall if that sludge had any  
22   particular odor?

23           A. No.

24           Q. I'd like to refer you to Exhibit 6, which

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1    is the July 8, 1975 letter to Mr. Brask. I'm not  
2    sure who wrote it. I just have the one page.  
3    You've got it. Okay.

4           Looking at the second paragraph, about  
5    a little over halfway down, do you see the  
6    reference to the sentence that reads "in this spot

7       which came from approximately 30, 50-gallon rusty  
8       drums"? Do you see that sentence?

9           A. Yes.

10          Q. I believe it was your testimony yesterday  
11       that those drums that this letter refers to were  
12       from Thompson Chemical.

13          A. Yes.

14          Q. And how do you know that those drums were  
15       from Thompson Chemical?

16          A. That's what I was told.

17          Q. Okay. And who -- who told you that the  
18       drums were from Thompson Chemical?

19          A. That was Mr. Brask.

20          Q. Mr. Brask. Okay.

21                 Were -- to the best of your  
22       recollection, were the drums marked in any  
23       particular way that identified Thompson Chemical?

24          A. I did notice it had a sign on it, T90.

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1           Q. T90?

2           A. Yeah.

3 Q. And do you know what that meant?

4 A. No.

5 Q. So other than what you were told by  
6 Mr. Brask, you would have no reason to identify  
7 those drums with Thompson Chemical.

8 A. No other reason, no.

9 Q. Do you know what was inside of the drums?

10 A. It was black.

11 Q. The contents of the drums were black, but  
12 you're not sure what it was.

13 A. No.

14 Q. I'd like to refer you to Exhibit 3, which  
15 is the scrapbook, approximately in the location of  
16 page ten and I'm looking at the April 19, 1965  
17 article entitled "Dump Blaze Seen Miles."  
18 Yesterday it was your testimony -- strike that.

19 Give me just a second.

20 (Pause.)

21 Q. Yesterday it was your testimony that this  
22 article referred to -- referred to a fire that  
23 occurred on the Shpack -- on Mr. Shpack's dump.  
24 Is that correct?



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1 A. Yes.

2 Q. And I believe it was also your testimony  
3 yesterday that this fire was fueled by the  
4 Thompson Chemical debris. Do you recall giving  
5 that testimony?

6 A. The barrels, yeah.

7 Q. Was this -- was the fire in the location  
8 of the tongue area that we've identified on  
9 Exhibit 1?

10 A. Yes.

11 Q. And it was on the Shpack side of the  
12 tongue area.

13 A. Yes.

14 Q. Was the fire -- strike that.

15 Was the Attleboro Refining Company  
16 waste -- strike that.

17 Was the fire that occurred, that is  
18 the subject of this article, in the location of  
19 both the Attleboro Refining Company waste as well  
20 as the Thompson Chemical waste located underneath?

21 A. No.



22 Q. Referring to Exhibit 1. Could you point  
23 out to me the area where the fire, which is the  
24 subject of that article, took place.

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1 A. Would have to be right about there. That  
2 was before the tongue -- before the Thompson  
3 Chemical and the Attleboro Refinery material.

4 Q. Okay. So the fire occurred here?

5 A. Yep.

6 Q. Which -- which would be northwest of the  
7 red line that identifies the northwest edge of the  
8 tongue area.

9 A. Right.

10 Q. Okay.

11 MR. KREIGER: I'm confused. Did he  
12 point you to the tongue area then or out of the  
13 tongue area?

14 MR. JEDELE: The area of the fire is  
15 identified as northwest of the red line which  
16 demarcates the northwest border of the tongue  
17 area.

18 MR. KREIGER: Can we mark that? I  
19 thought he said initially it was in the tongue  
20 area.

21 Q. Would you please write "fire" in the area  
22 where that fire occurred. Thank you.

23 And could you please identify for me  
24 where the location of the Thompson Chemical waste

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1 was disposed that --

2 A. Right in the tongue area. The whole  
3 tongue area.

4 Q. So the whole tongue area consisted of  
5 Thompson Chemical debris that came from the fire  
6 and explosion.

7 A. Right.

8 Q. And was waste from the fire and explosion  
9 that occurred at the Thompson Chemical plant  
10 deposited elsewhere outside of the tongue area?

11 A. Yes.

12 Q. It would've been -- would it have been

13 disposed under the area where you've indicated  
14 fire?

15 A. Over it.

16 Q. Over it.

17 The Thompson Chemical waste was  
18 disposed over what?

19 A. Over burnt ashes and anything that was  
20 burnt.

21 Q. And do you recall what type of waste was  
22 deposited in the area where the fire occurred on  
23 the Shpack?

24 A. They had all ashes. It was all ashes

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1 right around, you know -- see, that whole area was  
2 much higher than it is today. Through settlement  
3 now there's a low area.

4 Q. So in regards to your statement that the  
5 fire was fueled by the Thompson Chemical debris --

6 A. No. Thompson Chemical debris was not  
7 burnt.

8 Q. Okay. What --

9           A. Those few barrels were burnt and then  
10   buried. But the Thompson Chemical, that's why we  
11   put it there, because it couldn't be near any  
12   fire.

13          Q. So the Thompson Chemical debris wasn't  
14   burned in the fire on the Shpack property that  
15   this article refers to.

16          A. You're losing me now.

17          Q. Let me try --

18          A. Rephrase it again.

19          Q. Let me try and rephrase.

20          A. All right.

21          Q. I guess I'm trying to understand what you  
22   meant by your statement yesterday when you said  
23   that this fire was fueled by Thompson Chemical  
24   debris.

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1           A. No. That was probably a misunderstanding  
2   on my answer. It was fueled by those few barrels  
3   that burnt.

4 Q. And whose barrels were those barrels that  
5 burned that fueled the fire?

6 A. Thompson Chemical.

7 Q. And do you -- do you know what the  
8 contents of those barrels were?

9 A. No.

10 Q. And were those barrels identified in any  
11 particular way that indicated that they were  
12 Thompson Chemical barrels?

13 A. No.

14 Q. Then are you certain that they were  
15 Thompson Chemical barrels?

16 A. No, I have no proof.

17 Q. They could've been somebody else's  
18 barrels?

19 A. Could've been.

20 MR. JEDELE: I have nothing further.  
21 Thank you, Mr. Dumont.

22 MR. BRASK: My name is David Brask,  
23 and I'm here because I see my name in three  
24 places, and I don't know why. I don't get my

1 correspondence. I never knew this meeting was  
2 coming up. All I had was a cancellation of the  
3 last one, but anyway somebody called me, I'm here.

4 EXAMINATION BY MR. BRASK:

5 Q. Thank you, Mr. Dumont, for showing up.

6 I'd like you to answer these questions  
7 yes or no, and I only have a few.

8 MR. LEIFER: Objection. The witness  
9 can't be required to answer it yes or no.

10 MR. BRASK: I'm asking him if he will.

11 Q. Is it true that the entrance to the Shpack  
12 dump is in Norton, the Norton side?

13 A. Yes.

14 Q. Is it true that Shpack thought he owned  
15 some of your land in question here and that no one  
16 really knew the true boundary of the  
17 Attleboro-Norton line?

18 MR. LEIFER: Objection.

19 A. Yes.

20 Q. Is it true that all Shpack filled land was  
21 filled by Isadore Shpack?

22 A. Right.

23 Q. Isn't it also true that at least the

24 majority of your filled land, and whatever is on

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1 this map here, was illegally filled by either a  
2 combination Shpack and the City of Attleboro  
3 dozer?

4 MS. O'BRIEN: Objection. I'm not sure  
5 what the question -- what the question is. Could  
6 you define what you're referring to on the map?

7 MR. BRASK: I'm talking about the  
8 extra two and a half acres of land. The Attleboro  
9 land.

10 MS. O'BRIEN: Are you talking about  
11 the land that was referred -- has been referred to  
12 as the burning dump?

13 MR. BRASK: As part of the Shpack  
14 site, yes, but it's on the ALI side.

15 A. And it was pushed because you have nuclear  
16 waste over here. So...

17 Q. My question --

18 A. It was pushed over --

19 Q. -- that land was filled by material from  
20 the Shpack land combined with the Attleboro city  
21 dozer pushing it across there.

22 A. Right.

23 Q. Have you ever taken this map and gone out  
24 there and looked to see on this map to exactly

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1 where all these places are --

2 A. No, I have not.

3 Q. -- on this map?

4 MS. O'BRIEN: Just for the record,  
5 referring to the map, you're referring to what's  
6 been marked as Exhibit 1.

7 MR. BRASK: The map that's been used  
8 in the last two days, yes.

9 Q. We're sitting here talking about things up  
10 to 60 years ago, Mr. Dumont. Is it possible, I'm  
11 not saying it's probable, possible that your  
12 memory could be a little off on some things?

13 MS. O'BRIEN: Objection.

14 A. Yes.



15 Q. What's your answer?

16 A. Yes.

17 Q. Did you ever see myself, David Brask, in  
18 the Shpack dump?

19 A. No.

20 Q. Did you ever see any of Dave Brask, the  
21 Goditt & Boyer trucks in the Shpack dump?

22 A. No.

23 Q. There's a lot of mention here on dust.

24 That we know dust comes from anywhere. Would you

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1 agree with me that that dust could come out of a  
2 home, the vacuum cleaner or whatever --

3 MS. O'BRIEN: Objection.

4 Q. -- the dust?

5 MR. LAST: Objection.

6 Q. What's your answer to that?

7 A. Yes.

8 Q. Would you agree with me that back in the  
9 '40s, '50s and early '60s most waste was

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10 household, lots of ash in barrels?  
11 MS. O'BRIEN: Objection.  
12 MR. LAST: Objection.  
13 A. Yes.  
14 Q. The answer was yes on that. I've just got  
15 a couple of more questions here.  
16 To your knowledge did David Brask ever  
17 operate the Shpack dump?  
18 A. No.  
19 Q. To your knowledge did Dave Brask ever  
20 operate the Attleboro city dump?  
21 A. No.  
22 Q. To your knowledge did David Brask ever  
23 operate the Attleboro Landfill, Inc.?  
24 A. No.

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1 MR. BRASK: All right. I thank you  
2 for your time, Mr. Dumont.  
3 THE WITNESS: Good. I need a break.  
4 (A recess was taken.)  
5 FURTHER EXAMINATION BY MR. AGNELLO:

6           Q. Mr. Dumont, you provided me with some  
7   information regarding the incinerator, the  
8   2000-gallon incinerator and you pointed to where  
9   it was, and I failed to ask you to just mark on  
10   Exhibit 1 the word "incinerator," where that  
11   incinerator was located. Could you just write the  
12   word "incinerator" so we know.

13           A. (Witness complied.)

14           Q. And it's the little circle right next to  
15   the incinerator where it was located, is that  
16   correct?

17           A. Yeah. Right about there.

18           MR. AGNELLO: Okay. Thank you.

19           MS. O'BRIEN: Just note for the record  
20   that the deposition is not yet concluded. There  
21   are still some counsel with questions, and we'll  
22   resume on another day as soon as counsel and the  
23   witness confer as to available dates.

24           (Deposition suspended at 4:10 p.m.)

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CERTIFICATE OF COURT REPORTER

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3

I, Ellen Zappia, Registered

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Professional Reporter, do certify that the

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testimony of the witness appearing herein was

6

taken by me in machine shorthand and thereafter

7

reduced to writing by means of computer-aided

8

transcription; that said deposition is a true

9

record of the testimony given by said witness;

10

that I am neither counsel for, related to, nor

11

employed by any of the parties to the action in

12

which this deposition was taken, and further that

13

I am not a relative or employee of any attorney or

14

counsel employed by the parties thereto, nor

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financially or otherwise interested in the outcome

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of the action.

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Ellen Zappia, RPR

22

Notary Public in and for the

23

Commonwealth of Massachusetts

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My commission expires: February 6, 2009

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